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A CASE IN ADMIRALTY IN LOUISIANA 1741 BEFORE SALMON, J.

By Henry P. Dart

In October 1741, *The Snow* (a two master), La Chevalliere, Captain Francois du Conge, was in the Harbor of New Orleans undergoing some repairs. Her owner, Jaques de Meyere, had evidently come in with the ship and on October 22nd both owner and captain were ashore, the former at Mr. Pery's house, where he was putting up, and the latter at the house of Mr. Avignon.

The repairs on the ship had reached the point where the carpenter needed the *porte vergues*[1] which had evidently been sent ashore and possibly to the King's warehouse. He hunted up the owner and communicated his necessity but de Meyere did not have that article in his possession, and he in turn looked up Captain Du Conge and repeated the message. Whether bad blood existed between the two, or whether Du Conge had taken at Avignon's hospitable house a drink or two more than he could carry, or whatever may have been the cause, the interview between owner and captain speedily developed into a furious and nasty brawl. Du Conge, it would appear, resented the action of the ship carpenter in going over his head to take orders from the owner, and he proceeded to put the latter in his proper place, telling him among other things that he, Du Conge, was master of the ship and responsible for the work upon her; that De Meyere was only a second fiddle, to whom he, the captain, owed, in this matter, no account whatever, and that his attempt to interfere was a gross discourtesy, and had it happened on board, he, the captain, would know how to treat him.

[1]The wooden arc behind and supporting the metal prow of a ship.

De Meyere with all "possible docility," remonstrated with his captain, striving with soft words to palliate his usurpation, but he threw more fat on the fire by the indiscreet remark that the captain should not have gone ashore without leaving orders with the ship carpenter, thereby delaying work upon the vessel. This turned the affair from a mere verbal quarrel into a physical assault. The enraged captain bustled up to the owner, shook his fist under his nose and menaced him with the declaration that he would eat him up before he got through with him,[2] and furthermore told him he would notwithstanding sail away to La Martinique, as he, de Meyere, was less than a cipher on land, and only an underling on board where he would teach him his duty.

At this stage, de Meyere, realizing discretion to be the better part of valor, retreated from the scene, for fear, as he naively pleads, that these reiterated oaths and threats of the captain would force de Meyere to engage in a breach of the peace and violate the ordinances of the King.[3] From the broiling temper of his captain, de Meyere fled to the cool shades of the temple of justice where he laid the whole matter before Edmee Gatien de Salmon,[4] Commissary of the Marine and First Judge in the Superior Council. By virtue of these high offices, Salmon was the true source of all power in ordinary quarrels and disputes and also over all things else that concerned the life, liberty and property of the colonists. The learned judge, however, saw at a glance that the case now presented was out of the ordinary. It was not even a mere lawsuit between two casual visitors to the Metropolis of Louisiana, but, on the contrary, it appertained to that more important jurisdiction—The Admiralty. Until we fell on the record of this lawsuit, we had not known just how the colony managed such transactions. We knew that the Superior Council was vested with full power "to judge in last resort all suits and differences civil as well as criminal instituted or to be instituted in said province,"[5] but the power to adjudicate maritime questions, or in any wise to control, regulate, interfere with or discuss navigation or commerce, was in that period usually conferred upon special judges representing the Crown.

In order to solve the important question, Salmon called in Fleuriau, the Attorney General of the King, and the conference

[2]"Du Conge de continuer ses impertinences atroses en menassent le suppliant que nous morderions avant de nous quitter."

[3]"Forcer le suppliant a contrevener aux ordonnances du Roy."

[4]Successor to dela Chaise who died in 1730.

[5]Dart. Legal Institutions of Louisiana, 2 La. Hist. Qy. 83. (Jan. 1919)

resulted in the exercise of a power by Salmon that unquestionably must have been inherent in his office of Commissary of the Marine. The casual quarrel of de Meyere and du Conge at Mr. Avignon's house on October 22, 1741, would seem to our eyes to have presented only an ordinary case of assault and normally should have ended as such things end, in the police court, but in the minds of the two leading lawyers of the colony—the First Judge and the Attorney General—the proposition was of greater moment. Clearly here was a momentous issue, to be determined according to the Ordinance of the Marine of their lamented Lord and King, Louis the Fourteenth of sacred memory. Accordingly, Salmon resolved himself into a Court of Admiralty, and as such retained jurisdiction over the controversy to the end of the file, that is to say, he did not submit it to the Superior Council or seek their concurrence in his judgment as is prescribed in the Ordinance of 1719, creating the Council.

Before him sitting alone, appeared Jacques de Meyere, "humbly petitioning," who averred the facts as we have stated them; the petition, however, was drawn by the Attorney General and the simple street brawl rose into the dignity of a conflict between the owner and the captain as to the possession and control of the ship. But in the body of the plea there is no intimation that such is the issue, thereby exciting our admiration at the perspicacity of the pleader. It is in the prayer (the sting is in the tail) that we see clearly the artfulness and full scope of this simple pleading of 1741, for here the owner asks that after a public hearing Captain Du Conge be ordered to abstain from further interference, and that he turn in his passport to the Clerk of the Admiralty, the whole as provided in Title VIII, Article IV, of the King's ordinance.[6] In short, the suit seeks judicial authority for the discharge of the captain for insubordination, and the restoration of the vessel to its owner.

The brawl occurred on October 22nd, the suit was filed the next day. The Court had evidently considered carefully for it was not until the 27th that Salmon orders that "Du Conge be summoned before us tomorrow, Saturday, at 2 o'clock in the afternoon." There was in those times little or no delay in the course of legal procedure and on Saturday, October 28th, 1741, just six days after the affray, the complaint was heard and a decree rendered. It is entitled "Sentence d'Amiraute" (Decree in Ad-

[6]Evidently the Marine Ordinance of 1681 is here relied on.

miralty). The preamble to the judgment recites that de Meyere's ownership had been supported by proof and the judgment permits him to discharge Du Conge. It was also ordered that de Meyere should pay Captain Du Conge his wages up to the 27th of October, 985 livres, and the further sum of 365 livres, the amount of his salary and board until his return to Martinique, the whole *in specie at the current rates at Martinique,* and upon the delivery by Du Conge of the passports and other ship's papers in his possession. The costs are decreed but in whose favor is not clear; as a matter of interpretation, probably each side paid its own costs.

It will be seen that de Meyere took very little out of the lawsuit. It is true, he recovered possession of his ship, but only on condition that he should pay in specie the past salary as well as the future salary and expenses of the captain until he could return to Martinique, which was evidently his home port, or place where he had been employed. At that period (1741) specie was scarce in New Orleans. Indeed, that was the great pity of life in the colony. It had no gold or silver currency; copper sous (less than a cent) were to be had, but these were so big and so generally useless that sea-faring men found no happier employment for them than to play pitch and toss in the river for sport as boys skate shells on the water side. The only currency was paper billets, "rag money," and it was discredited at a ruinous discount and, of course, it could not be used for the payment of debt decreed to be paid in specie. In this situation the decree left both contestants holding the bag, so to speak. De Meyere could not sail away without paying Du Conge, and the latter would not release the ship without his wages.

In brief, it is clear de Meyere's adventure in the law was not all plain sailing. He had demanded his rights and the law recognized them, but the court evidently thought Du Conge's display of ill-temper had not forfeited his rights and they too were recognized. In short things had reached an impasse and Du Conge made the next move. On November 19th he obtained a writ or summons from the court ("Commandment Iteratif") under which Lenormand, the Sheriff and Crier (Huisser et audiencier) of the Superior Council made a personal demand on de Meyere to secure and pay immediately to Du Conge or to the Sheriff, as executive officer of the King, (" ou a moy porteur pour le Roy de la dte snce") the sum of thirteen hundred and forty-five livres in

specie on the footing current at Martinique for payment of which he has been condemned in said decree. This amiable demand de Meyere refused, whereupon the Sheriff notified him he would be pursued (compelled) by ordinary seizure of his goods and effects in the colony and specially by real seizure of his *Snow*, Le Chevalliere, at present in the port with all its appurtenances. This very solemn act of the Sheriff closes with the declaration that having spoken to de Meyere as here set forth he has left him a copy of the present "iteratif Commandment," that he may not ignore it nor plead ignorance thereof, and that all this occurred in the presence and assisted by Pierre Digoit and Pierre Pentonet, witnesses, who sign the return with him, Lenormand, the Sheriff.

This Summons Iteratif is evidently a well established form, the equivalent perhaps of our modern writ of fieri facias, but the interesting thing to us is that there is nothing signed by the Clerk or the Judge. It is possible there was a preceding order of the Judge and that in this respect our record is incomplete, but we know from study of other records that there were in those days no formal citations or writs. The petition was endorsed (as in this case) with an order to show cause, the hearing was oral and it would not be a wide guess to say that it is entirely probable the defendant made no written plea. There was none in this instance and while we often find such, yet not so often as to make it a fixed rule. The execution of a decree (as in the instant case) may have been entirely at the discretion of the interested party. It would seem to have been the duty of the Sheriff to execute the judgment with no other order or formality. The document we are studying seems conclusive as to this point.

> "In the year one thousand seven hundred and forty-one, on the nineteenth day of November, in the afternoon, by virtue of the judgment rendered by M. de Salmon, Commissary of the Marine, and First Judge in Admiralty, under date of 28th of last October, signed and sealed and at the request of Sr. Francois du Conge, Captain, living at the house of Sr. Avignon, inn keeper, ('aubergiste') and where he established his domicile;
>
> I, the undersigned, Marin Lenormand, Sheriff, and Crier of the Superior Council of this province, there residing, have made repeated demand ('iteratif Commandment') for the King our Sovereign and Judge on Sr. Jacques de Meyere, owner of *The Snow*, La Chevalliere, re-

siding in the City of New Orleans at the house of Sr. Pery, where he has made his domicile, speaking to him in person," etc.

De Meyere's refusal to pay may have had a plausible and even a substantial support; he was called on to pay "1345 livres in specie on the footing current at Martinique"; but who was to be the judge of this "footing?" Thereupon, on November 23rd. and again on the 24th, the question is discussed before Lalande, a member of the Superior Council, perhaps by special authorization of Judge Salmon, though here the papers are silent. But there remains in the record two certificates, one signed by Assailly and J. Bancio Piemont, and the other by Jahan, which are in the nature of expert opinions taken for the purpose of settling this vexed question. Assailly and Piemont say that the current money of Martinique is of silver of light weight ("largent foible") of a division of piastres such as reaux, half reaux and double reaux, and that the piastre of weight ("de poids"), whether gourde or round, is worth in the said place 33% over the said current money of division of the piastre, and that the estimate made by Mr. de Meyere in the account rendered by him to Sr. du Conge of 165 piastres 4 reaux for the sum of 993 livres should be reduced on the exchange basis of 33% to 111 piastres in weight. Jahan says that he has full and complete knowledge that the piastre plain money of Spain is current in Martinique on the basis of six livres and when it is gourde, that is to say by weight, they augment it 33%, which has been the usage of commerce there for many years and that even in court one would be compelled to accept it upon that basis following many decrees ("arrets") that have been rendered on that subject.

Notwithstanding this testimony, Fleuriau, the Attorney General, seems to have reached a slightly different valuation and he so decreed ("Il a ete arbitre vcrbalement par M. Fleuriau").[7] Thereupon on November 24th, 1741, Lenormand, the Sheriff, personally summoned and notified ("somme et interpelle") de Meyere

> "To presently remit to me, Sheriff, bearer of this summons ('porteur de piece') or to Sr. du Conge the sum of 140 piastres 2 reaux as the balance due to him as orally arbitrated by Sr. Fleuriau and moreover to pay him the

[7]The whole subject of the money of French and Spanish colonial Louisiana is enveloped in a fog of ignorance. It should be studied and put in final shape. The Quarterly would welcome any paper on this subject.

sum of 232 livres that he reimbursed to Mr. Pery in consequence of the judgment rendered in Admiralty on the default of said de Meyere; who, having refused to pay, for which refusal I have notified him to appear tomorrow at 9 o'clock a. m., in the Admiralty before Mr. de Salmon at his office for such other orders as may be necessary, demanding costs and leaving him a copy of this notice."

What happened on November 25th, 1741, at 9 o'clock in the morning before his Honor, Judge Salmon, we do not know, as our file ends here. The Judge had power to enforce his decree by imprisonment and by sale of *The Snow*, La Chevalliere, and doubtless de Meyere suffered both penalties, unless during all this delay he had utilized his credit to be ready to purge his contempt of the court with the coin of the realm, or its equivalent, a good draft on a substantial banker or merchant in Martinique.[8]

The file covering this interesting case has been translated by Mrs. H. H. Cruzat and is printed herewith. It is one of the most useful records of our Archives for the student of our legal origins, who will find much satisfaction in its study. The documents are numbered in sequence, translation of the whole first and the text following.

TRANSLATION:

To Monsieur de Salmon, Intendant-Commissary, Councillor of the King and First Judge of the Superior Council of the province of Louisiana.

Oct. 23, 1741. De Meyere vs. Du Conge. Petition of the Plaintiff.

Very humbly petitions Jacques de Meyere, proprietor of the two masted vessel, La Chevalliere, commanded by Sr Du Conge, saying, Sir, that yesterday, 22d inst., being at my residence, the ship carpenter came to ask for the port vergues. The petitioner repeated the carpenter's request to Sr Du Conge who answered very abruptly that the carpenter had to deal with no one but himself, and that this did not concern him (de Meyere) and was not within his jurisdiction; which obliged the petitioner to state to Sr Du Conge that he was to blame for leaving the boat without leaving orders with some one, that this delayed the work of the vessel, whereupon Sieur Du Conge answered

[8]There are other and later records that indicate de Meyere lost his ship by a sale, whether resulting from this judgment or from other financial troubles, of which he seemed to have a full share, we are unable presently to determine.

that he owed no account to any one, that he was Captain and that I was only his second and that he cared not for me or for all that I could say to him. These words forced petitioner to remonstrate to Sr Du Conge, with all possible mildness, on his bad behavior, without any invectives on his side, which did not prevent the said Sieur from throwing himself on the petitioner in a fury, saying: "You call me a rogue," putting his fist under his nose, calling him a rascal several times without heeding petitioner's expostulation that he had not used that term, that he had misunderstood him, notwithstanding which Sieur Du Conge continued his outrageous impertinence, threatening the petitioner that they would eat each other before they separated, that he would make him sail to Martinique against his will, as he was a mere cipher on land and under him on board, where he would teach him his duty.

The reiterated curses and invectives indulged in by Sieur Du Conge on that day might force the petitioner to violate the ordinances of the King.

This considered, may it please you Sir, to order a hearing of this petition and declaration, that the said Sieur Du Conge give up his passport to the Registry of the Admiralty of this Province of Louisiana; following the King's ordinance under heading VIII, article 4, and do justice.

At New Orleans, this 23d of October, 1741.

Order of Salmon.

Let the said Du Conge be summoned before us, to-morrow, Saturday, at two o'clock in the afternoon, this 27th of October, 1741.

Signed: "Salmon".

Sheriff's Service and Return. (Endorsed at the foot of the original petition and order).

In the year one thousand seven hundred and forty-one and on the twenty-seventh day of October, by virtue of the above order and of the petition of Sr de Meyere, proprietor of *The Snow*, La Chevalliere, residing in this city of New Orleans, where he has established his domicile, I, Marin Le Normand, Sheriff in the aforesaid Superior Council of this Province, undersigned, summoned and gave notice to Sieur Du Conge, Captain of *The Snow*, La Chevalliere, residing in New Orleans, where he has established his domicile at the home of Mr. Avignon, speaking to him personally.

To appear to-morrow at two o'clock in the afternoon, in the (Council Chamber[1]) ; before M. de Salmon, Intendant-Commissary of the Marine and First Judge in the Superior Council, to answer on charge in petition (defend and to conclude) and to hear ordered what by right shall appertain, with costs, and speaking as aforementioned left him copy of the petition and order as well as of the present summons.

Signed: "Lenormand."

No 895.

Judgment of the Admiralty of Oct. 8th, 1741.

Oct. 28, 1741. Judgment between Meyere & Sr Du Conge.

Between Jacques de Meyere, proprietor of *The Snow*, La Chevalliere, and Sr. Francois Du Conge, Captain of the said *Snow* defendant:

Before us the petition presented by Sr de Meyere, proprietor of *The Snow*, La Chevalliere, the order and summons of the twenty-seventh of the present month, the legal agreements made under private signature on date of the twenty-first of last February, the title of ownership proving that the said *Snow* belongs to Sieur Meyere;

The whole having been seen and considered, we have authorized and do authorize the said Sr Meyere to discharge Sr Du Conge, paying him the sum of nine hundred and eighty-five livres for his salary up to the twenty-seventh of the present month either by demand or by receipt, moreover that of three hundred and sixty-five livres to which amount we have arbitrated his salary and board until his return to Martinique, and this in specie on the footing current at Martinique on Sr Du Conge's delivery of the passports and other papers he may hold concerning the said *Snow* with costs and compensations.

Given at New Orleans this twenty-eighth of October one thousand seven hundred and forty-one.

Signed: "Salmon" "fleuriau"

Nov. 19, 1741. Repeated Summons. D 41[236]

In the year one thousand seven hundred and forty-one, on the nineteenth day of November, in the afternoon, by virtue of the judgment rendered by Mr de Salmon, Intendant-Commissary of the Marine and First Judge of the Admiralty, on date of the twenty-eighth of last October, signed and sealed, on petition of Sr Fran-

[1]Supplied.

cois Du Conge, Captain, residing at the house of Sr Avignon, inn-keeper, where he has established his domicile, I, Marin Le Normand, cryer and usher in the said Superior Council of this province, here residing, undersigned, have repeated command in the name of the King, our Sire, and of justice, to Sr Jacques de Meyere, owner of *The Snow*, La Chevalliere, residing in this city of New Orleans, at the house of Sr Pery, where he has established his domicile, speaking to him personally.

To give and pay presently to Sr Du Conge, or to me, bearer for the law in the said judgment, the sum of thirteen hundred and forty-five livres in specie on the same footing current in Martinique or discharge to which he is sentenced by the said judgment for causes here mentioned, without prejudice to his rights, to all interests, costs and expense, which he refused, and for said refusal I have declared to him that he will be seized by all means of ordinary seizure of his known goods in this Colony and particularly by real seizure of his *Snow*, La Chevalliere, now in this harbor with all its appurtenances and speaking to him as aforesaid left him copy of this present reiterated command so that he may not ignore it, in the presence of and assisted by Pierre Digoit and by Pierre Pentonet, witnesses here present, brought with us, who have signed with me, cryer, undersigned, the day and year aforementioned.

Signed: "digois" "pentinet"
"Lenormand".

Nov. 23, 1741. Report on Relative Value of Louisiana and Martinique Currency. D 41[239]

We, the undersigned, do certify that the current money of Martinique is of weak silver in a division of piastres, such as double reaux, reaux, and half reaux, and that the piastre in weight, be it gourde or round, in the said place is worth thirty-three per cent over the said current money of division of the piastre and that the estimate made by Mr de Meyere in the account rendered by him to the said Sr Du Conge of one hundred and sixty-five piastres, four reaux, for the sum of nine hundred and ninety-three livres[1] on the basis of exchange of the aforesaid 33% are reduced to one hundred and eleven piastres in weight & . . .[1]

Signed: "Assailly" "JBancio Piemont"

[1]Missing in orignal text.

Nov. 24, 1741. Further Report on Values of Money. D 41[240]

I, undersigned, certify that I have full and entire knowledge that the piastre, plain money of Spain, is current in Martinique, only on the basis of six livres to the piastre, and when it is "gourde" that is by weight they increase it 33% over what is customary in the commerce of the said place since many years, and that even in Court, one would be compelled to accept it on this basis, following several decrees issued in said place concerning this fact, in testimony of which I have signed at New Orleans, this 24th of Nov. 1741. Signed: "Jahan"

I certify to what is above mentioned at New Orleans, this 25th of November 1741. Signed: "Lalande".

Nov. 24, 1741. Demand for Payment of Judgment Served on Sr. De Meyere. D 41[241]

In the year one thousand seven hundred and forty-one, on petition of Sr Du Conge, Captain, residing at house of Sr Avignon, innkeeper, where he has established his domicile, I, Marin Le Normand, cryer and usher in the Superior Council of this Province, here residing, undersigned, have summoned and served notice on Sr de Meyere, proprietor of *The Snow*, La Chevalliere, residing in this city, at house of Sr Pery, where he has established his domicile, speaking to him personally.

To presently remit to me, cryer, bearer of this summons, or to Sr Du Conge, the amount of one hundred and forty piastres two reaux, as the remainder due to him, as verbally arbitrated by Sr Fleuriau, and, moreover, to pay him the sum of two hundred and thirty-two livres which he reimbursed to Sr Pery, this, in consequence of judgment rendered by Admiralty and hereby notified in default of Sr de Meyere having so done, speaking as aforesaid;

Having refused to comply, for said refusal, I have served notice on him to appear to-morrow, at nine o'clock A. M. in the Admiralty, before Mr de Salmon, in his office, to be ordered what shall appertain, demanding costs, and have left him copy of this present of which act was passed.

Signed: "Lenormand".

TEXT.

A Monsieur de Salmon Commissaire Ordonnateur Conseiller du Roy Et premier Juge Du Conseil Superieur de la province de la Louisianne.

Oct. 23, 1741. Supplie tres humblement Jacques de Meyere proprietaire du Senau la Chevalliere Commandee par Monsr Du Conge, disant Monsieur, que hier 22e du Courant Etant Chez luy le Charpentier du Vaisseau luy auroit demande des porte Vergues Le Suppliant auroit repeté a Monsr Du Congé la demande du Charpentier, qui luy répondit fort Brusquement que le Charpentier n'avoit a faire a d'autres qu'a Luy, Et que Cela ne le regardoit point Et n'étoit auqu'unement de Sa Compétence, Ce qui obligea Le Suppliant a representer au Sr Du Conge Le tort qu'il avoit d'aller[2] En Campagne Sans Laisser Ses ordres a quelqu'un, que Cela retardoit L'ouvrage du Vaisseau, a quoy le Sr Du Congé répondit qu'il n'avoit de Compte a rendre a personne, qu'il Etoit Capitaine Et que je N'étois que Son Second Et qu'il se mocquoit de moy Et de tout ce que je pouvois luy dire. Ces paroles obligerent le Suppliant a représenter avec toute la docillete possible audt Sr Du Conge Son mauvois procédé, Sans invectives de Sa part, Ce qui n'empêcha pas mondt Sieur de se jetter Comme un furieux Sur le Suppliant, En luy disant, vous me traitez de drôle, luy portant le poing sous le nez En le traitant de Coquin plusieurs fois malgre la remontrance que Luy faisoit Le Suppliant qu'il ne S'etoit pas Servy de ce terme, qu'il avoit mal entendu, Ce qui n'avoit pas empêche Le Sieur Du Congé de continuer ses impertinences atroses En menassent le Suppliant que nous nous morderions avant de nous quiter; Et qu'il me feroit marcher a la Martinique, malgre moy, N'etant qu'un Zero En Chiffre a terre Et Son Second a bord, ou il me rangeroit a mon devoir; Les jurons et les invectives reitérees, Ce jour de la part du Sier Du Conge pouroit forcer Le Suppliant a Contrevenir aux ordonnances du Roy.

Ce Considére, Monsieur, vous plaise ordonner Veu L'Exposé de La requete et declaration que ledt Sieur Du Conge aye a se désister de Son passeport au Greffe de lamirauté de Cette province de La Louisiana Suivant l'ordonnance du Roy titre VIII article IV et ferez justice.

a la Nouvelle Orleans Ce 23e 8bre 1741.

Soit led Du Conge apselle devant Nous ademain Samedy deux heures de Relevée Ce 27e octobre 1741 Salmon.

Lan Mil Sept Cent quarante et un Et le vingt septieme jour d'octobre En vertu de lordce cydessus Et de la Reqte du Sr de Meyere proprietaire du Senau La Chevalliere demt En Cette ville de la Nlle Orleans ou il a Ellu son Domlle Je Marin Le Normand huisr audt Consl Superieur de Cette province cydevt soussigné signiffié donné assignation au Sieur Du Conge Capne du senau La Chevalliere demt a la Nelle Orleans ou il a Ellu Son Domlle chez le Sr Avignon parlant a sa personne

A Comparoir demain deux heures de releves En L... Et pardevant Monsieur de Salmon, Comre Ordonr de la Marine Et premier juge du Conseil Superieur pour Repondre Et aux fins de la reqte et Voir ordonner Ce qui appartiendra de Droit avec dépends Et luy ay parlant que dessus laissée Coppie tant de la Reqte Ordce que du present Exploit dont acte,

Lenormand.

A Monsieur de Salmon Commissaire Ordonnateur Conseiller du Roy Et premier Juge Du Conseil Superieur de la province de la Louisianne.

No 895.

Sentence D'Amiraute Du 8e 8bre 1741.

28 Octobre 1741. Sentence Entre Meyere Et Du Conge. D 41221

Entre Jacques de Meyere Proprietaire du Senau La Chevalliere et Sr Francois Du Congé Capne dud Senau deffendeur Veu La Reqte presentee par le Sr de Meyere proprietire du Cenaut La Chevalliere Lordce et Exploit du Vingt Sept du present mois, Les Conventions de justice faites sous seing prive En date du Vingt et un fevrier dernier Le titre de propriete Comme led Cenaut apartient au Sieur Meyere.

Le tout Veu et Considere Nous avons permis et permettons audt Sr Meyere de Congedier le Sr Du Conge En luy payant la somme de neuf Cent quatre vingt cinq Livres pour ses gages Etant jusquesau vingt sept du present mois soit ou en demande ou quitances Eten outre Celle de trois Cent soixante Livres aquoy avons arbitre ses gages et nourriture jusques a son Retour a la Martinique Et ce En Especes sur le pied quelles ont Cours a La Martinique En Remetant par Mr Du Conge Les passe ports et autres papiers qu'il peut avoir Concernant led Cenaut depens et Compensses Donne a la Nlle Orleans Ce Vingt huit Octobre Mil sept Cent Quarante un

Salmon fleuriau

Nov. 19, 1741.
D 41236

Lan Mil sept Cent Quarante un dixneuvieme jour de Novembre apres midy En Vertu de la Sentence rendue par Mr de Salmon Comre Ordonr de la Marine et premr Juge de lamirauté en datte du 28 Octobre der signés et scellés et a la Reqte du Sr Francois Du Congé Capne demt chez le Sr Avignon aubergiste ou il a Ellu son Domlle Je Marin Le normand huisr audienr aud Conseil Supr de Cette province y demt soussigné fait Itératif Commandement de par le Roy notre Sire Et justice a Sr Jacques de Meyere propriétaire du Senau La Chevalliere demt en cette ville de la Nlle Orleans chez le Sr Pery ou il a Ellu son Domlle parlant a sa personne

de Bailler et payer présentement au Sr Du Congé ou a moy porteur pour la loy de la dte Sentce de la somme de treize Cent quarante cinq livres en Especes Sur le pied quelles ont Cours a la Martinique ou quittance Enquoy il est Condamné par la dtte Sentence pour les causes cy Contenues sans préjudices d'autres de ces droits a tous interests frais et depends lequel a Ete Refust et pr ce dt refus je luy ay declare quil y sera poursaisy par toutes Voyes de saisies ordinaires de ses biens Connue en Cette Colonie et Specialement par Saisie Reelle de son seneau La Chevalliere de present En Cette Rade avec toutes ses apartenances Et luy ay parlant que dessus laisse Copie du présent Itératif Commandement a quil nen ignore En présence Et assisté de Pierre digoit, Et de pierre pentonet, témoins cy prest menés avec moy qui ont signé avec moy huisr soûssigné le jour et an que dessus.

digois pantinet

Lenormand

Nov. 23, 1741.
D 41239

Nous soussignés Certiffions que la monnoye Courante de la Martinique est de largent foible de division de piastres Comme double Reaux, Reaux & demy Reaux & que la piastre de poids Soit Gourde ou Ronde vaut audt Lieu trente-trois pour cent plus que ladte monnoye Courante de division de piastre et que le Calcul fait par Mr Demeyere dans le Compte quil rend audt Sr Du Congé de Cent soixante cinq piastres quatre Reaux pour la Somme de neuf Cent quatre vingt treize livres.... (qui du moyen du change De trente-trois pour Cent cy dessus Se trouvent reduittes a Cent onze piastres de poids) et.....[1]
fait a la Nouvelle Orleans le 23 Novembre 1741

Assailly JBancio Piemont

[1]Torn.

(Points de suspension représentent les parties qui manquent dans l'original). (Transcriber.)

Document covers a half page in legible script, but it is badly stained and the right edge of seven lines is torn and the end of the words had to be supplied.

Nov. 24, 1741.
D 41240

Jay Soussigné Certiffie avoir pleine et Entiere Connoissance que La piastre simple monnoye d' Espagne n'a point dautre cours a La Martinique que sur le pied de six Livres Et Lors quelle Est gourde C'Est a dire de poids on augmente trente trois pour Cent En sus ce qui seroit L'usage du commerce dudt Lieu depuis nombre dannees Et meme quon seroit Contraint en justice de Les recevoir sur ce pied Suivt plusieurs arrests qui ont Ete audt Lieu Rendus a ce sujet En foy de quoy jay Signe a La nlle Orleans Ce 24 gbre 1741

Jahan

Sertifie ce qui est mensioné Sy dessus a la Nlle Orleans Ce 25 Novembre 1741

Lalande

Nov. 24, 1741.
D 41241

Lan Mil sept Cent quarante un et Vingt quartrieme Jour de Novembre a la Reqte du Sr Du Congé capne demt chez le Sr Avignon aubergiste ou Il a Ellu son Domcile Je Marin Le Normand huisr audr au Conl Superieur de Cette province y demt soussigné Somme Et Interpelle le Sr de Meyere proprietaire du Senau La Chevalliere demt En cette ville chez le Sr pery ou il a Ellu son Domile parlant a sa personne

de Presentement Remettre a moy huisr porteur de piece ou aud Sr Congé La quantitr de Cent quarante piastre deux Reaux pour ce qu'il reste a luy devoir a quoy il a ete arbitre Verbalement par Mr fleuriau; Et en outre Luy Remettre la somme de deux Cent trente deux livres qu'il a Remboursee au Sr pery Et ce En Consequence de la Sentce Rendue a Lamiraute et cy signiffie faute de ce faire par led Sr de Meyere parlant que dessus lequel a Ete

Refusant pour lequel Refus je luy ay Donne assignation a Comparoir demain neuf heures du matin En lamiraute pardevant Mr de Salmon, En son hotel pour En ordonner Ce quil En apartiendra Requerant depends Et luy ay laysse Copie du present dont acte

Lenormand

DOCUMENTS RELATING TO ALEXANDRO O'REILLY AND AN EXPEDITION SENT OUT BY HIM FROM NEW ORLEANS TO NATCHITOCHES, 1769-1770.

Edited by
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INTRODUCTION.

In 1762 Spain, through a secret agreement with France, extended her frontier from the Texas-Louisiana border to the Mississippi River. At first Spain was reluctant to occupy her new possession, but the English flag waving over the eastern banks of the Mississippi River and English traders crossing that mighty river into Spanish territory forced her to occupy Louisiana.

The first Spanish commission, headed by Ulloa as Governor, arrived in the colony in 1766 but was coolly received. Ulloa's attempt to change gradually the French government of the colony and transfer the allegiance of the inhabitants over to the Spanish King met adverse criticism and caused an insurrection which, in 1768, succeeded in overthrowing the hated Spanish authority.

After some deliberation Spain decided to reoccupy the stubborn colony. This task was intrusted to the greatest military genius in Spain, General Alexandro O'Reilly. On his arrival in the colony O'Reilly spread a military pageant before the astonished and anxious inhabitants, overawed them, and took formal possession for Spain. He next reorganized the government and established a Spanish administration. So thoroughly did he apply himself to this work that few changes were made during the thirty odd years that Spain ruled that colony.

It was the custom of O'Reilly to inform himself thoroughly of conditions in the different districts of Louisiana before appointing officials and issuing instructions to be observed therein. Accordingly, on November 16, 1769, he sent a commission of two officers to Attakapas, Opelousas, Natchitoches, and Rapido to receive the oath of allegiance of the inhabitants and to gather all possible information concerning the conditions of the roads and

the country in case the Spaniards should be forced to retreat from New Orleans overland towards Mexico.

The following documents, relative to this expedition fall into two groups. First, a letter from O'Reilly to Arriaga, December 10, 1769, informing the latter of the commission and enclosing the instructions to be followed by Eduardo Nugent and Juan Kelly who composed the commission. Second, reports by the two officials on their return to New Orleans, in form of a diary kept on the journey and statistical reports showing the number of inhabitants and cattle in Attakapas, Opelousas, Natchitoches, and Rapido.

These documents were discovered by the writer in the *Archivo General de las Indias,* Seville, Spain, the first group in the file of the *Audiencia de Santo Domingo* papers, and the second under the *Papeles de Cuba* division.

The expedition left New Orleans November 18, 1769, and arrived, after many hardships, in Natchitoches December 29, of the same year. A distance of one hundred and eighty-nine leagues had been covered during these forty-two days. The diary gives an excellent description of conditions in Louisiana and is annotated with accounts of the villages, their situations, their inhabitants, cattle and the crops raised. On January 5, 1770, the expedition set out for New Orleans, by way of the Red and Mississippi Rivers, where it arrived about January 14.

O'Reilly to Arriaga,

Dated New Orleans, December 10, 1769.[1]

Most Excellent Sir.

My dear Sir: The day after tomorrow, the 12th of the present month, I shall undertake my trip to Punta Cortada,[2] which is situated up the river about fifty leagues from this city, and which, except the immediate surroundings of the Capital, is about the only well populated district in this Province. I have requested the inhabitants to assemble in a place which I have designated in each locality, and which they can reach with small

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[1]O'Reilly to Arriaga, New Orleans, December 10, 1769, No. 18; Archivo General de las Indias, Audiencia de Santo Domingo, Estante 80, Cajon 1, Legajo 9. Arriaga was the *ministro general de Indias,* in charge of the affairs of Louisiana.

[2]It was the intention of O'Reilly to start December 12 on this trip but December 24, he informed Arriaga that he had to postpone his departure owing to the inclement weather; O'Reilly to Arriaga, December 24, 1769, No. 24; A. G. I., Aud. Sto. Domingo, 80-1-9. However on March 1 following, O'Reilly notified Arriaga that he actually had undertaken the trip to Punta Cortada (Pointe Coupée); O'Reilly to Arriaga, March 1, 1770, No. 31; A. G. I., Aud. Sto. Domingo, 80-1-9.

inconvenience. I shall listen to all complaints which they may have, inform myself as to the conditions of the country and the number of inhabitants in these parts, establish companies of militia, and issue regulations by which they may be rapidly united for defense in case of Indian insults or in case this Governor should need them for any other purpose.

The Governor Don Luis de Unzaga[3] will accompany me on this trip in order to aid me with information and to inform himself of all the affairs of the Government, a matter to which I have always given special attention.

On the 16th of last month I sent two officers to Atakapas, Opelousas, Natchitoches, and El Rapido to administer the oath of allegiance to the inhabitants and to obtain all information which I may need; to which end I gave them certain instructions, a copy of which I enclose.[4] They are expected to return the first part of next month, and when I have received their reports I shall draft the final orders for these places.

The good reports which I have received from honest and truthful individuals in this country concerning Don Atanasio de Mezieres, Reformed Captain in the Service of France, and the good opinion I formed of him through his personal visit, have determined me to appoint him Lieutenant Governor of the district of Natchitoches. I have furnished him with instructions, a copy of which I include,[5] and fixed his salary at thirty pesos a month; but with this I have relieved this office from heavy expenses which it hitherto entailed, as Your Excellency will learn from the general regulations soon to be forwarded to you. By this arrangement I hope to obtain for the Presidios of Mexico a tranquillity which they hitherto have not enjoyed, and I am also hoping that it may stop all smuggling into that kingdom.

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[3]Don Louis de Unzaga y Amezaga was made governor of Louisiana on November 29, 1769, by O'Reilly; O'Reilly to Arriaga, December 10, 1769, No. 17; A. G. I., Aud. Sto. Domingo, 80-1-9. Spain could only spare O'Reilly for a few months, hence he was instructed, April 21, 1769, to bring Unzaga with him to Louisiana, and when possession had been taken and order restored he should appoint Unzaga governor of the colony; O'Reilly to Arriaga, December 10, 1769, No. 17; *ibid.* in which O'Reilly refers to his instructions of April 21, 1769, in regard to Unzaga. The approval of this appointment by the Spanish court is dated March 24, 1770; Grimaldi to Unzaga, March 24, 1770, No. 23; A. G. I., Papeles de Cuba, Legajo 174.

[4]*Infra.*

[5]Instructions to the lieutenant governor of the Natchitoches district, November 24, 1769; A. G. I., Pap. de Cuba, 187; also in *ibid.* Aud. Sto. Domingo, 80-1-9, No. 31, part 9, where they are in French. As these instructions have nothing to do with the expedition in question it has not been thought necessray to include them. On De Mezieres, see Bolton, Athanase de Mezieres and the Louisiana-Texas Frontier, 1768-1780. Two volumes. A. H. Clark and Co., Cleveland, 1914.

The said Mezieres possesses a large private fortune with which to secure his conduct, and a great practical knowledge concerning the Indians and the District of Natchitoches, where he has lived for many years. He has five sons, and in order to tie him more closely to his duties in our service I have appointed the two oldest who are of good character and distinguished birth, officers of Cadets, an honor which has pleased the father greatly.

The Viceroy of New Spain has sent me a legal order requesting the arrest of Don Manuel Bermudez de Soto, secretary of the former Governor of the Province of Texas. This man, Bermudez, knew the province well and had many friends there, none of whom, however, was of any help to him. Due to my orders he was arrested and delivered to the Commander of the Presidio of Adaes. Any one who transgresses the laws in that kingdom[6] and then takes refuge in this Province, will experience the same treatment.

I pray Our Lord to keep and make happy for many years the worthy life of Your Excellency. ——New Orleans, December 10, 1769. ——Most Excellent Sir. ——Your most devoted servant kisses the hand of Your Excellency. ——

Alexandro O'Reilly.[7]

To the Most Excellent Senor Bailio Fr. Don Julian de Arriaga.

Instructions[8] *to be observed by Captain Don Eduardo Nugent and Don Juan Kelly*[9] *in fulfillment of the commission which I have placed in their charge.*

ARTICLES

1. The object of the commission is restricted mainly to taking the oath of fidelity of all the inhabitants in Atacapas,[10] Opeluzas, Natchitoches, and El Rapido on the Red River; to making an exact census; to hearing all complaints and receiving petitions from the inhabitants; to gathering information concerning general and individual offences and their causes. Of all this you will submit to me, upon returning, an exact account,

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[6]Mexico was frequently called a kingdom.

[7]Original signature of O'Reilly.

[8]These instructions were included with the above letter.

[9]According to a letter from O'Reilly to Bucareli, Havana, June 27, 1769, Juan Kelly was an artillery lieutenant accompanying O'Reilly's expedition; O'Reilly to Bucareli, Havana, June 27, 1769; A. G. I., Aud. Sto. Domingo, 80-1-7. For data on Nugent and Kelly, see Bolton, De Meziers, Vol. II, index.

[10]The spelling of proper names has been retained as in the original.

together with petitions presented by the inhabitants and any information that you may have gathered for the verification of the truth of the complaints.

2. You will assemble the inhabitants in places most convenient to all; you will take the oath of allegiance with the same formality as observed by me in this city, whereafter you will have all persons sign the enclosed document, which explains the tenor of the oath, and these signatures must be certified at the foot of the document by you and two officials from each town, who attended the ceremony.[11]

3. In each town you will receive any memorials which the inhabitants may present; you will carefully gather information as to the truth of what is set forth by each one, and, without making any decision bring these cases to this city for my own judgement and final settlement.

4. In each one of these stated places you will gather information about obnoxious persons living there, which information must be rendered to me upon your return. But when you gather information of this kind you must guard against the envy, jealousy, and enmity, apt to exist between neighbors, and therefore, have all statements verified from other sources.

5. You will arrange the census of the inhabitants according to enclosed blank number 2, and that of the cattle according to blank number 3.[12]

6. From Natchitoches you will proceed to the Presidio of Adaes,[13] from whose Governor you may obtain information

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[11]It has not been possible to obtain a copy of the oath of allegiance rendered to the inhabitants of this interior district, but no doubt it was similar to the one rendered to the inhabitants of New Orleans and vicinity, if not entirely the same, which was as follows:

> "We the undersigned inhabitants living in this country in the neighborhood of the city of New Orleans today August 26, 1769, of our free will and accord, swear, before God, to keep the most inviolate fidelity and obedience to His Catholic Majesty, our only and legitimate sovereign, to report to the governor of this province without delay, all that we know to be contrary to his sovereign authority and welfare, and to oppose its execution with all our power and at peril of our lives.
>
> "The signatures at the bottom of this document were signed in presence of two officers and two notaries, and who have also certified that they were present at the taking of the oath and when the signatures were made."

A. G. I., Aud. Sto. Domingo, 80-1-7. The translation is from the French copy of the oath.

[12]Exact formulas or blanks were sent with the expedition. These were to be filled out by the commissioners at the separate places. Blank copies of these formulas were forwarded to Spain by O'Reilly; A. G. I., Aud. Sto. Domingo, 80-1-9. The reports by Nugent and Kelly follow the diary.

[13]Nothing is mentioned in the diary in regard to this journey. Evidences in the diary suggest that, on account of the inclement weather, this expedition was not undertaken.

about the obnoxious persons, living in Natchitoches, who furnish weapons, gunpowder, and bullets to Indians engaging in war against our Presidios in Mexico; about other persons who smuggle goods across the border, about the kind of goods they smuggle in, and as to where they cross the border.

7. You will bring me an exact account of the Presidio of Adaes, its strength, garrison, provisions, and from whence it obtains all its supplies. All this information must be confidential.

8. You will keep a diary[14] concerning the roads over which you pass, with clear explanations of distances, condition of the roads, the best way by which a battalion of troops may advance from this city to Opelousas, or descend to it from Natchitoches. You will also explain in this statement the quality of the soil and its products.

9. In all places you will impress upon the inhabitants the great kindness bestowed by the King upon this colony, the happiness which will be derived by them under such a tender and just government, and notify them that honest people shall always be protected and be highly esteemed, while dishonest and bad people shall always be punished; no one shall be abused or insulted, and to everybody prompt justice shall be administered.

10. If there are any Indian settlements in the neighborhood of the road over which you pass you will visit them and examine their situation, and impart to me necessary information about them.

11. You will distribute the presents which you bring with you to the Indians at Natchitoches, and explain to them that like presents will be delivered to them annually, and that it will not be necessary for them to give anything in return. The generous King, so liberal with them in this respect, only wishes that they may live in peace and tranquillity for their own benefit. They must not, by any means, harm any of the Presidios of Mexico; nor shall they listen to any information except that sent to them by the Great Chief of this Province or by the local Governor appointed by him.

12. You will warn the Indians of deserters and lawless traders who may visit their villages and who try to take advantage of their credulity by spreading pernicious lies, and in-

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[14] *Infra.*

form them that it is their duty to arrest any such persons in their villages and bring them as prisoners to the Commander of Natchitoches, by which service they will prove their fidelity.

13. You will deal very courteously with the inhabitants of the towns, particularly so with the officials of the militia and distinguished persons in these places.

14. You will review the militia in each town, and submit to me an exact and detailed account as to the usefulness of officers, sergeants, and soldiers in the service.

15. You will try to find out if there are any dissensions in these towns, the reasons for them, and who are fomenting them.

New Orleans, November 16, 1769.
O'Reilly.[15]

DIARY.[16]

Diary of the voyage from this city to Atacapas,[17] Opelusas, and Natchitoches.

	Leagues.
November 18 we slept at Noyan's place[18]	02[19]
The 19th at Belleisle's	05
The 20th at Piquo's	04
The 21st at Descarreau's	06
The 22nd at Judice's	05
The 23rd at Lincourt's	05
The 24th at Hauterribe, Bayagoula	03

To this point we ascended the river[20] without its being possible to make any observations or see its promontories and turns because of the thick fogs that we encountered.

From the Bayagoula we had to continue by land, so we sent word to the Indians of Plaquemine to bring canoes to the Portage, a distance of four leagues away. Our envoys did not

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[15]Original signature by O'Reilly.

[16]A. G. I., Papeles de Cuba, 2357. This is the original copy signed by Eduardo Nugent and Juan Kelly. The diary is in Spanish, 15 x 20 centimetres in size, and very neat. The front page has the title *Diario*, followed by eighteen pages of close writing. The number of leagues traversed in the course of the journey are indicated in the right margin, added together at the bottom of each page, and carried forward from page to page. The language is not very smooth, and idiomatic expressions appear frequently.

[17]The spelling of proper names has been retained as in the original.

[18]*Dia 18 Noviembre adormir a la Habitazion de Noyan.*

[19]That is from New Orleans.

[20]*Hasta aqui se subio el Rio*.....Refers no doubt to ascending the Mississippi River.

find the Indians at home as they were out hunting; this, together with the time necessary to reach us with the canoes, delayed their arrival until the night of the 27th. On the 28th we gathered all the horses that could be found, only seven in number, loaded them with the greater part of the cargo, and sent them in charge of the sergeant, a corporal, a soldier, one Indian and five negroes, people who were acquainted with the lay of the land. They were specifically ordered to return the horses to us in order that we might transport ourselves and the rest of the cargo. However, due to the great downpour of rain the roads were flooded, and this part of the expedition wandered aimlessly in the woods without being able to join the canoes or to send any information to us until the 30th, when one of the negroes found his way back and told us what had happened. We sent him back again with a couple of Indians and orders for the party with the horses to try to find their way, if possible, to the Portage, as we were going to that place by way of the road of Plaquemine, since it was not practicable to go by the other road due to the lack of horses. Thus we went up the river to Plaquemine, December 2, and having no other recourse we marched through the forest, four leagues, which is the distance by land. The country was so inundated that it was necessary for us to hang our papers around our necks in order to save them. Arriving at the shores of a Bayou,[21] which extended to the settlement of the Chetimashas, a small Indian village, we fired our guns to call the Indians to bring their canoes and take us across, which they did; by so doing we added eight more leagues to our journey.....08

On December 2nd, our men as yet not having appeared, we sent Indians in search of them and to advise them to return and follow the same road as we had taken. One of the Indians found them near Bayagoula and led them to us over the same road by which we had come, but this was very difficult and considerable help was required as this road was as inundated as the others. On the 3rd we were reunited, but the men, lacking nearly all the necessary provisions for their subsistence, had managed as best they could with the scant supplies that they carried.

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[21]Bayou is a word used a number of times in the diary and refers to a small river or a creek.

The 4th and 5th we spent in packing our goods, in making the Indian's canoes fit for the journey, and in gathering a limited supply of provisions from the natives.

On the 6th we proceeded in five Indian canoes following the Bayou which unites with that of the Plaquemine, and by this we reached the Chafalaya River, which we followed a distance of five leagues.....05

On the 7th, 8th and 9th we passed three Bayous, three larger rivers and two lakes. We came upon two hunting parties of Indians who supplied us with a sufficient amount of game, making it possible for us to arrive on the same day at Atacapas. During this part of the journey we lost three leagues, it being necessary for us to walk around certain small lakes, and we slept in the forest; the distance covered was.....21

Notes.[22] 1st. The village of the Chetimashas contains ten huts, fourteen men and nine women; they live by hunting, and on a little corn and squash, which they roast. They have seven small canoes, and their chief is a young man called Champana, a man of mediocre intellect.

2nd. If it were necessary to advance troops by this way the mouth of the Plaquemine would have to be cleared. This river flows into the Mississippi and by this way a vessel could easily carry a battalion of troops from the city to Atacapas in ten days, and continue by land to Natchitoches and the Adaes in another eight days at the most. The roads are good except when the rains are so continuous and the season so severe as they now have been.

A battalion could always advance from the city up the river, and by way of the Red River to Nachitoches. However, this trip would take forty days and is impracticable during all seasons because of the shallow water in the Summer and the strong currents during the other seasons.

The 10th and 11th we spent in carrying out our instructions in Atacapas. The night of the twelfth we stayed at Flamand's house, a distance of four leagues from here. The country consists of prairies with some Bayous which were hard to cross. Here, as in Atacapas, attempts were made to dissuade us from continuing our journey, on account of the conditions of the country and the state of the weather, circumstances which would

[22]This title is on the left margin of the document and written in large letters.

make it impossible for us to arrive even at Opelusas. But we were determined to continue without retracing our steps until forced thereto by impossible conditions. Thus four more leagues were added.....04

On the 12th we set out for Fusilier's house, a distance of eight leagues. Forced to make windings and to cross several Bayous on trees cut for the purpose, we could not reach this dwelling until the following day. Thus we had to spend the night in the open country, and there were such troubles and uncountable hardships during this trip that we, having now seen the dangers, considered it almost impracticable to continue the trip this way.....08

On the 13th we arrived at Fusilier's house where we spent the 14th due to inclement weather. No matter how hard we might have tried it would not have been possible for us to have proceeded on account of the heavy rains; the Bayous had overflowed and the country was under water.

On the 15th we traveled eight leagues, making an attempt to reach Santiago Courtablau's house at Opelusas. This we could not have done had it not been for two Indians and several countrymen[23] who came to our assistance attracted by the continuous gunshots which we fired in the woods.....08

The 16th, 17th, and 18th we remained at Opelusas, transacting our business pertaining to this district. We called together some countrymen[24] and several Indians in order to decide whether we should continue the trip overland or not. But all agreed that it would be impossible and not a single Indian would undertake it with us, stating that it would probably mean death, a statement which they were willing to prove to us. We therefore set out on horseback with them, and after two leagues we realized the difficulties; the horses sank in the mud and further on the Bayous of Chico and Cocodrilo had overflowed more than two leagues and there was no sign that the water would lower in a month's time.

Seeing the impracticability of the overland road we decided to set out in a pirogue and by way of two Bayous descend to the Chafalaya River which would take us to the mouth of the Red River. We decided to proceed that way hoping that it would not be disapproved of, instead of returning without fulfilling the

[23] *Paysanos.*
[24] *Ibid.*

instructions that we received for Nachitoches, and also forseeing that, notwithstanding the delays, we could return to the city by January 12.

Note.[25] Atacapas and Opelusas are two separate districts divided by a small Bayou which flows by Fusilier's. However, they can be considered as one, wholly alike in quality of land, products and live stock. These two districts extend 25 leagues in length and five in width, which is the inhabited part. The land has been cleared of trees where the houses have been built, which gives them the advantage of proximity to water and forest. The land between the estates consists of spacious prairies covered with admirable grazing of very high and slender grass which is free from thistle and thorn, etc. These prairies extend three and four leagues in circuit surrounded by clear forests through which small streams flow. Hence the inhabitants maintain everything imaginable in the way of live stock, such as cows, horses, and sheep. There are excellent prairies covered with small grass suitable as pasture for sheep. There are also places where undoubtedly good crops of wheat could be raised if only ardor for its cultivation existed among the inhabitants. The products raised at present are rice, corn, and sweet potatoes as well as much live stock consisting of cows, heifers and some sheep. These products are used for the sustenance of the people and for trade with the natives, who ought to apply themselves to the raising of sheep and planting of corn, wheat, oats, rice, and flax since they have the most excellent land for these crops.

Their horses are good and they might raise a large number of them.

The inhabitants are not indolent and among them there are some industrious Acadians, who already have a good start towards an establishment which promises to be very useful in the lines of agriculture and cattle-raising. These people live in great tranquillity and accord, are law-abiding, and are well satisfied with the present administration and the kindnesses of the Government. They hope that the assistance already received from the government will continue, and they entreat Your Excellency to recommend them to the successor, promising that they will settle down definitely and with their labor and industry render as much help as possible.

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[25]This title is in the left margin of the document and written in large letters.

Continuation of the journey:[26]

On the 18th we continued the trip by water. Reaching the Chafalaya we followed it to the Misissipi, which we reached on the 21st, one league from the Red River, having added thirty leagues to the voyage; the nights were spent in the forest.....30

On the 21st we entered the Red River and proceeded up to Nachitoches, arriving there on the 29th, having covered the distance of seventy five leagues; the nights as usual were spent in the forest.....75

Total leagues 189

Note.[27] From Opelusas to Nachitoches, the distance is forty leagues by way of the prairies and forests.

Note.[28] Nachitoches is situated on the 31° 50′ latitude and —degrees —minutes longitude, on several small islands formed by the Red River. It is composed of about 80 houses with about 120 inhabitants, those of El Rapido, a dependent place, not included.

The fort is a simple enclosure of poor palisades with five iron cannons of caliber four. Within the fort are the house of the governor, a store house, a jail, and a guard room. All buildings, except the governor's house, are in a very bad condition. The fort is situated on a small hill by the river bank, and rises about forty feet above the water level.

The perspective which Nachitoches presents consists of an almost circular portion of land with a diameter of about three leagues, crossed by the Red River, which divides itself into several arms, forming six small islands, on which the town and tillable land are situated. The whole vista is encircled by thick pine forests by which the view is limited on every side.

The products of this country are mainly tobacco, corn, and rice.

The live stock consists of cattle, a few pigs and sheep, and domestic animals.

The soil is suitable for wheat and oats, which are raised by only one inhabitant, and at that in a very small amount.

[26] *Ibid.*
[27] *Ibid.*
[28] *Ibid.*

There are several persons who are not farming and who do not have any honest way of living, concerning which the Commander of the fort renders special information to the government and the Captain General.[29]

The inhabitants are merry and tranquil; they are obedient and greatly satisfied with the new Lieutenant Governor, whose election they approve and whose justice and equity, combined with a perfect knowledge of the country and its inhabitants, makes him respected and feared, though also loved.

El Rapido on the Red River.

This place is composed of eight houses belonging to a like number of poor inhabitants, who cultivate tobacco and corn, and keep a few cows for their subsistence. The soil is of the same quality as that of Nachitoches, and can produce the same products, if adequately tilled.

A small village of Apalache Indians is established there, composed in all of twenty-one houses of little stability, twenty-six men and about eighteen women, of all ages. They live by hunting and on a scant amount of corn, which they roast.

Most of them are Catholics, and many of them speak our language.

On the 5th of January, in the afternoon, we left Natchitoches in order to return to the city, and as we travelled day and night nothing of importance could be observed.

New Orleans, January 14, 1770.

Eduardo Nugent[30] Juan Kelly

No. 1.[31] Statement showing the number of inhabitants in the fort and town of Natchitoches, with divisions into classes, sex, and age.

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[29]As a result of these reports a number of persons were expelled from Natchitoches.

[30]Original Signatures by Eduardo Nugent and Juan Kelly.

[31]Eight reports by Eduardo Nugent and Juan Kelly reporting the number of people and cattle in Natchitoches, Opelousas, Rapido, and Attakapas. A. G. I., Papeles de Cuba, Legajo 81.

FORT AND TOWN OF NATCHITOCHES	WHITES				SLAVES		
	Up to 14 years, inclusive	From 14 to 50 years	50 years and above	Grand total, both sexes	Useful for work	Not useful for work	Total slaves, both sexes
Men.....	98	152	5	255	141	41	182
Women.....	94	102	2	198	93	36	129

GENERAL SUMMARY

WHITES		SLAVES	
Men	Women	Men	Women
255	198	182	129

Note: Slaves classified as not useful are children.

Eduardo Nugent.[32] Juan Kelly.

No. 2. Statement showing the number of carts with oxen, horses, mares, mules, cattle, sheep, goats, and pigs existing in the fort and town of Natchitoches.

	Carts with oxen	Horses and mares	Mules	Donkeys	Oxen, cows, yearlings	Sheep	Goats	Pigs	Total of heads
Fort and Town of Natchitoches	8	815	30	4	1752	150	50	1268	4069
Grand Total. .	8	815	30	4	1752	150	50	1268	4069

[32]Original Signatures of Nugent and Kelly.

Note: The horses are generally 6 to 7 *cuartas*[33] high, of great strength and endurance, due to the fact that they are pastured on excellent grass, and a sort of delicate cane (called *Canutillo*) which has such a nourishing quality that it is necessary to feed it to them carefully, as it otherwise would make them too fat and clumsy, even though it never makes them unhealthy.

The cows and sheep also feed on the same, except that the sheep do not eat the *Canutillo*. The cattle are more than six *cuartas* high and of excellent meat in every season. In the summer, or when they are fattened, they weigh from 700 to 800 pounds. They are well cared for by the natives who use them as beasts of burden, as well as for meat and milk.

The sheep are big and their meat is of excellent flavor and nutritive value. But they are not as well cared for as the former.

The pigs are good, big and fat, and well cared for by the natives. They are used for food, especially the hams. They could be used even to greater advantage.

Goats are few but of good quality.

The inhabitants also raise fowl, such as chickens, turkeys, and some geese, the first two kinds in considerable quantity.

The productions of the country are tobacco, corn, and rice. The soil is fit for the cultivation of wheat, and barley. Don Atanasio de Mezieres is the only one who has planted a small quantity of these.

There are spacious forests of oak trees, live oak, and much pine, from which the inhabitants could make a great quantity of pitch and tar, but they do not apply themselves to it.

The inhabitants are poor because they have not applied themselves effectively to the cultivation and the development of the land. It will be necessary to encourage them in this, especially in the cultivation of wheat and barley, of which good crops may be promised.

Eduardo Nugent.[34] Juan Kelly.

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[33] *A cuarta* is eight inches more or less.
[34] Original signatures of Nugent and Kelly.

No. 1. Statement showing the number of inhabitants in the district of Opelusas, with specification of classes, sex, and age.

DISTRICT OF OPELOUSAS	Whites				Slaves		
	Up to 14 years, inclusive	From 14 to 50 years	From 50 years and above	General total, whites, both sexes	Useful for work	Not useful for work	Total slaves, both sexes
Men	45	63	3	197	50	19	115
Women .	46	36	4		36	10	

GENERAL SUMMARY

Whites		Slaves	
Men	Women	Men	Women
111	86	69	46

Note: Slaves classified as not useful are children.

Eduardo Nugent.[35] Juan Kelly.

No. 2. Statement showing the number of carts with oxen, horses, mares, mules, cattle, sheep, goats, and pigs in the district of Opelusas.

	Carts with oxen	Horses and mares	Mules	Donkeys	Oxen, cows, yearlings	Sheep	Goats	Pigs	Total
District of Opelousas	24	639	13	3	2419	198	38	682	4016
Grand Total	24	639	13	3	2419	198	38	682	4016

[35] *Ibid.*

Note: The horses are about 6 to 7 *cuartas* high, of great strength but not much energy.

The cows are admirable in size, appearance, and quality of meat in all seasons. They weigh regularly about 800 pounds. The care of the cattle keeps the natives busy, though it does not necessarily mean much work since they have well secured pastures of the most excellent grass on the prairies throughout the whole year. During the winter the grass reaches a height of about 5 feet, and the prairies extend over 3 and 4 leagues, well fenced in and divided by small groves.

Adjoining these are other prairies, which form the horizon, extending to the shores of the San Bernado Bay, where there are multitudes of wild cattle and a great amount of game; deer, fallow-deer, pheasants, geese, and other fowl, for these prairies are rather marshy.

The natives trade in cattle both with the city and in this colony, but they do not profit as much in the trade in cow-hides as they might for the tanning of which they have everything necessary.

The products of the soil are corn, rice, and sweet potatoes which are the main crops and food of the inhabitants. They should be keping flocks of sheep as they have excellent pasture of fine grass, and ought also to cultivate flax for which the climate and soil is excellent.

Eduardo Nugent.[36] Juan Kelly.

No. 1. Statement showing the number of inhabitants in El Rapido on the Red River, with specification of classes, sex, and age.

RAPIDO ON THE RED RIVER	Whites				Slaves		
	Up to 14 years, inclusive	From 14 to 50 years	50 years and up	Grand total, whites, both sexes	Useful for work	Not useful for work	Total slaves, both sexes
Men	7	9	1	33	8	4	18
Women .	8	7	1		4	2	

[36] *Ibid.*

GENERAL SUMMARY

Whites		Slaves	
Men	Women	Men	Women
17	16	12	6

Note: Slaves classified as not useful are thus indicated on account of their being under twelve years of age.

Eduardo Nugent.[37] Juan Kelly

No. 2. Statement showing the number of carts with oxen, horses, mares, mules, cattle, goats, and pigs existing in the district of El Rapido on the Red River.

	Carts with oxen	Horses and mares	Mules	Donkeys	Oxen, cows, yearlings	Sheep	Goats	Pigs	Total
Rapido on the Red River	00	98	00	00	258	00	00	97	453
Grand Total....	00	98	00	00	258	00	00	97	453

Note: In this district only tobacco and corn are cultivated, though the land is suitable also for wheat; but there are only a few inhabitants, and at present they can not undertake this cultivation. There are some cattle of the same quality, size, and good meat as those of Natchitoches, with which they maintain themselves. There are also some domestic animals.

Eduardo Nugent[38] Juan Kelly.

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[37] *Ibid.*
[38] *Ibid.*

No. 1. Statement showing the number of inhabitants in the district of Atacapas with specification of classes, sex, and age.

DISTRICT OF ATACAPAS	Whites				Slaves		
	Up to 14 years, inclusive	From 14 to 50 years	50 years and up	Grand total, whites, both sexes	Useful for work	Not useful for work	Total slaves, both sexes
Men	29	65	3	166	21	4	33
Women .	26	41	2		5	3	

GENERAL SUMMARY

Whites		Slaves	
Men	Women	Men	Women
97	69	25	8

Note: Slaves classified as not useful are thus indicated on account of their being under twelve years of age.

Eduardo Nugent.[39] Juan Kelly.

No. 2. Statement showing the number of carts with oxen, horses, mares, mules, cattle, sheep, goats, and pigs existing in the district of Atacapas.

	Carts with oxen	Horses and mares	Mules	Donkeys	Oxen, cows, yearlings	Sheep	Goats	Pigs	Total
District of Atacapas ..	14	266	00	00	1323	18	00	565	2186
Grand Total ...	14	266	00	00	1323	18	00	565	2186

[39] *Ibid.*

Note: This district is generally the same as that of Opelusas, with the same kind of pastures, soil, and products. It is about 20 leagues in width and about five or six in length, that is, the inhabited parts from border to border. Atacapas, however, has a more favorable situation and better open lands than has Opelusas.

The bulk of the inhabitants in this district is composed of Acadians, who industriously apply themselves to the raising of cattle. The women also work hard; from cotton they make very good cloth for their clothes. They also manufacture stockings and finer cloth like that made from flax. However, the Acadians were disheartened in regard to the continuation of cultivation and manufacturing of cotton because they are wrongly informed that the government might not permit it.

Eduardo Nugent.[40] Juan Kelly.

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[40] *Ibid.*

LOUISIANA TROOPS AT THE OCCUPATION OF HAVANA.

By John S. Kendall.

Since the World-War, people have come to take only a languid interest in the affair between the United States and Spain, in 1898; nevertheless, that war, unimportant as it may appear, was, in its historical significances, hardly less momentous than the greater conflict which recently convulsed half the world. The part which Louisiana took in the Spanish-American war was not conspicuous, but still, far from discreditable. Several regiments were organized in the state and did efficiently whatever duty they were asked to perform. Among these, one, the Second, was amongst the first organizations to respond to President McKinley's appeal for troops, and one of the last to be mustered out of service. It was stationed at Mobile, Ala., Miami and Jacksonville, Fla.; Savannah, Ga.; and formed part of the garrison of Havana, after the Spanish surrendered the island of Cuba to the Americans. Its experiences at all these places were of interest, but the most picturesque incident in the history of the regiment was its entry into the city of Havana, on the day when the city passed out of the hands of Spain forever. Although the occupation of Havana may seem somewhat remote from Louisiana history, it has, nevertheless, a place in the military annals of our state, through the fact that the Second Louisiana participated conspicuously therein; and for that reason I am permitting myself the pleasure of retelling the story of that triumphal march into the city on the morning of its surrender.

The formal transfer of the government of Cuba from Spain to the United States took place on the 1st January, 1899. At that time the city of Havana had been virtually evacuated by the Spanish forces, most of whom were already on board the transports in the harbor. A detachment was, however, stationed in the governor-general's palace, where they were to remain until the departure of Gen. Castellanos, the captain general. The American troops had not yet entered, and the city was thus, for the first time in years, comparatively clear of soldiery. Cuban and American officers, in full uniform, were in evidence all that morning, and in the afternoon patrols of American soldiers made their appearance on the streets. The day was a beautiful one. The sun shone with almost intolerable splendor, and in the Prado especially the glare of the sunlight on the macadamized street was unen-

durable. I do not think that we noticed these discomforts till afterwards. The situation was too intensely interesting to allow the mind to take in anything but the significance of the event. It was, indeed, a historic day; because nothing like it had occurred before in the history of our country, and we all felt keenly that at the moment when the representatives of the United States would assume jurisdiction over the island, a new era would begin in Western civilization.

It fell to the lot of the Second Louisiana regiment to lead the column which entered Havana that morning. This was a post of conspicuous honor, and one for which the regiment had longed from the day when it became evident that no Southern regiments would be allowed to win glory in the battle-fields of the war. I shall always remember the intense satisfaction which seemed to radiate from the command when our brigade-commander, General Loyd Wheaton, notified Colonel Wood that, in the absence of Colonel Mabry, of the First Texas, who was ill, it would be his lot to take the right of the line. "And, colonel," added the general, with a quiet twinkle in his eye, "it's a position which I would rather see you occupy than anybody else I know. I led the first regiment which entered Vicksburg, after Grant captured the town; and for thirty years I have been proud of the fact. You will feel the same way thirty years from now, about having headed the first command to enter Havana."

What made the prospect of marching through the city the more interesting was, that the previous evening word was quietly circulated through our camp out at Marianao, that the Cubans were acting ugly, that it was not certain that they would refrain from interfering with us. General Brooke had, a few days before, declined to allow the Cubans to participate in the parades, either as an organized body or with their arms. There had immediately been meetings of indigant Cuban veterans, who told each other that the "arrogant American" should be exterminated, and indulged in similar incendiary expressions, to which at that time we attached far more significance than we did later, when the frequency of such ebullitions had convinced us that they portended no result. That evening the men were instructed to have fifty rounds of ammunition in their belts the following morning; but during the night circumstances occurred which induced the military authorities to reduce the number of cartridges to twenty-five per man. One of the reasons which operated to this result

was the distribution of a manifesto signed by Mario Menocal, a Cuban brigadier, who was then commanding the 5th corps, stationed at Marianao and the Plaza. A man handed me one of the manifestos as I was waiting in the Concha station for a train to camp. It was a turgid piece of rhetoric, but contained a sensible recommendation to all Cubans to observe the peace and give the "liberating army" the welcome which its assistance to the cause of liberty demanded.

Doubtless the temper of the people also helped to prevent any hostile demonstration. Had there been any prospect of securing the support of the population, there were reckless men among the Cuban leaders who would hardly have hesitated to provoke trouble, in the hopes that our army would be exterminated, and the United States disgusted enough to leave the Cubans to themselves. But as the event showed, the vast mass of the population had not thought of opposition; but from sheer good-heartedness were ready to demonstrate in every way the gratitude which they felt at being delivered from the grinding tyranny of their late masters.

My experiences, that day, were so closely identified with the Second Louisiana that it will be necessary but to narrate the adventures of the regiment, to give the reader an idea of what I saw of the remarkable loyalty which the people of Havana exhibited. That loyalty, after all, was the unique feature of the day, and affords an interesting contrast to the pusillanimity of the Cuban military leaders. The Cubans themselves are kindly, grateful, good-natured to a degree; but it is not of the virtues of the populace, that we hear so much nowadays, as of the incorrigible selfishness of the leaders. But all this was unknown to us then, and we were prepared for the worst, when the singing bugles called us from our cots into the half-light of the early dawn. The light was just getting bright enough to make things visible, when the First Texas passed our camp, in column of fours, the band playing "Dixie" with cheerful vehemence. In a moment our own command formed column and passed out into the military road behind our neighbors. A little manoeuvering brought us speedily into position at the head of the bayonet-studded line. There had been several smart showers in the vicinity of Buena Vista during the previous night, but hardly a cloud remained in the sky when the sun at length lifted itself above the horizon. The only souvenir of the rain was a thin coating of ex-

ceedingly glutinous mud which covered the earth and encroached on either side of the well-made "calzada" over which we were marching.

We followed the military-road through the straggling little towns of Ceiba and Puentes Grandes, and were cordially applauded as we passed by the grinning proprietor of the restaurant at which a night or two before we had enjoyed our first Cuban meal. At the railway station of Cienaga, where the railroad to Guanajay crosses the Marianao road, and where there are some extensive but very dingy car-sheds and repair shops, we struck into a cart-road that led at a sharp angle through hills and hollows towards the sea. Afterwards we came to know that road very well, but then it seemed destined to end nowhere, and had only one compensation for its roughness—a never-varying panorama of an exquisite valley through which the Almendares pursued its silver way, and in the midst of which a yellow-walled brewery made a brilliant spot of color. From our place at the head of the line one could look forward from the top of one of the little hills, or back from the foot, over the swaying mass of men, with the sunlight dancing on the shining gun-barrels and the long array of drab service-hats filling the road completely from side to side. In the fields the laborers left their plows in the custody of the immense, stolid oxen to look at us. A little group gathered at the entrance to the bridge of boats over the Chorrera river, and gazed in silence as we tramped heavily over that structure. There is an ancient martello-tower on the city-side of the river, and at the other end of the bridge the Spaniards built a modern, loopholed turret which was intended to prevent the Cubans from getting into the suburb of El Carmelo. It did this so far as armed bodies of Cubans were concerned, but I know of at least one incident when a messenger going from Gen. Blanco to Major Cervera, the commandant at Marianao, with letters, was waylaid by Cubans near the martello-tower and relieved of his burden. These Cubans came in from the country, spent a week in Havana, and escaped without being detected.

It was in El Carmelo that the first evidences of the welcome which was waiting us became apparent. We turned into the broad roadway which runs through the village, and without any apparent change in the orderly rows of one-storied summer houses, set coquettishly in the bowery gardens on each side of the way, continues thence to El Vedado. Flags fluttered from every dwelling,

and the small boys cheered as they ran exultingly in advance of our band. In El Vedado stood the Trotcha Hotel, where at that time the American Commission had its headquarters. It was not much of a building, but looked cool and homelike. The commission, clothed in full uniform, stood on the steps to watch us go by. Col. Wood ordered the regiment to port arms in salute, which was a fortunate thing for us, as the other commands forgot this courtesy, and thus drew attention to our command all the more directly. The commission, by-the-way, was worth seeing for itself. The members were all large and comfortable-looking gentlemen, of certain ages, and their capacious persons were able to support a great deal of gold-lace, medals, and cocked hats, so that, with the sun shining full upon them, it was difficult off-hand to say whether or not an aurora-borealis had not unseasonably formed on the Trotcha's steps.

The streets in El Vedado were thronged with people. The suburb did not look much different from the ordinary Cuban town, except for an air of decorous prosperity. As we appeared a cheer burst from the waiting crowds; as we drew nearer the shout changed into a prolonged roar of homage. Everyone had a flag, mostly Cuban, it is true, but there were immense numbers of American flags also, and they were waved with infectious enthusiasm. In the midst of the rejoicing, we left the suburb and entered the stretch of comparatively waste country which intervened between it and Havana. There were a string of forts along the edge of the sea here, and the road paralleled the coast immediately in the rear of the batteries. On the other side of the road the ground rose into a series of small hills, on the largest of which we perceived the immense turf-covered ramparts of the huge Santa Clara battery. Within a few hundred feet of the fort we passed a dilapidated old baseball park, where a Cuban banner was waving, and where in a few minutes we met Col. Pepe D'Estrampes, who with a detatchment of Cuban cavalry, had taken up a position there a day or two before. D'Estrampes, accompanied by a major and two men, and wearing the handsome Cuban uniform of dark-blue trimmed with gold, rode out to meet us, and finding some acquaintances in the column joined the regiment, and rode with us nearly a mile. D'Estrampes entered the Cuban army as a private, won a majorship on the staff of some general or the other, and got his present rank by real merit and splendid bravery.

Just then the regiment passed under the walls of an old and weather-stained fort and plunged suddenly into the edge of Havana, towards the fortress at La Punta, opposite the Morro. This was where the enthusiasm bubbled up and exploded in a demonstration which fairly electrified all of us. Nothing like it had ever occurred in the whole of our experience as a regiment. We marched along in column of fours, between rows of low solid-looking houses, painted all sorts of colors, and roofed with tiles. The people filled up the doors, the windows, overflowed the roof, and spread out on the streets. They formed solid ranks of wildly cheering, flag-waving humanity. That was pretty good, but better was coming.

At the next corner people on the roofs brought baskets of flowers and poured them in perfect cascades of blossoms over our heads. Whole armfuls of flowers followed; the contagion spread, and everyone threw flowers. We fairly walked on flowers. While this was going on women rushed into the column, and grasped the hands of the officers and kissed them. Old men with tears streaming down their faces cried "Viva America," and crowded around Colonel Wood's horse, to kiss his hands. In the crowd we saw big, burly negroes fall on each other's necks, crying with joy and blubbering out words of ecstatic patriotism.

As we went along women broke through the ranks and seized the flag in their arms and pressed passionate kisses to its silken folds. On the sidewalks other women knelt and prayed heaven to bless it. It was a pandemonium of enthusiasm, in which we felt our eyes fill with sympathetic tears.

At one point an old, old man, with white hair and beard, came out and knelt solemnly down in the dusty, stony road, and lifting his hands heavenward in an attitude of supplication, exclaimed, "O, liberator! O, liberator!" The spectacle was indescribable.

By this time we reached the fortress at La Punta and halted. It was here that General Lee and his staff, glittering in new uniforms and much gold braid, rode up. There were people everywhere, even on the top of the fort; and they howled for the general. "T'ree cheer' for de Mistere Lee!" You could hear that everywhere, and they replied with a will. They probably did not know any more English than that, but that was all that was needed for the occasion. If anyone wanted to learn what the Havana populace thought of Lee they should have heard that ova-

tion. The general showed himself all sorts of ways like a peacock in the sun, and enjoyed the demonstration. When I left the regiment was still being cheered to the echo, and everyone had flowers to hang on his rifle and tucked in his belt.

La Punta is at the head of the Prado, and you can see the Morro across the entrance to the harbor, and there was the old Spanish flag flying there on a flagstaff just behind the lighthouse tower. La Punta wasn't much of a fort, at least not much that you can see from the land, but it was a good place for spectators to stand, and there were piles of rusty cannon balls heaped up around so that to the uninitiated the whole thing looked exceedingly ferocious. Down the Prado were multitudes of people, running around like ants, yelling, waving flags, and hurrahing for the "Machete of the Cubans." There must have been fifty or sixty thousand there in that one street; and everybody was happy, even the men who were selling broadside-sheets containing the pictures of General Lee and General Garcia.

Captain John Waterman was strolling through the crowd along with Sergeant Marchesseau and two or three men, who had been left behind in camp, and had come in with him to join the regiment in town. He said he was hungry, so we went to a restaurant at the corner of San Ygnacio street, where the waiter showed us a bill of fare without any prices on it, and we had to order things blind. But we did it, and got a very good meal, although the butter was of the imported kind with a smell and a taste that was electrical, to say the least. Having been fully fortified for the fray, we caught a cab, met Walter Parker, of the Times-Democrat, and rode back up the Prado till we encountered General Lee and his staff. Then we fell in behind that aggregation, and rambled off behind it down the calle de Cuba and some other streets, all exquistely quaint and old-fashioned. Most of the while we were trying to make photographs from the front of the cab, and scoring exasperating failures.

Then, all of a sudden, we emerged upon the square in front of the Captain General's Palace.

This is in O'Reilly street. General Lee and the staff did the emerging, to be strictly accurate. A guard poked a gun at us and asked us to halt, and we halted instantly. He said we couldn't ride in that carriage any further, nor walk, either, unless we had passes. Parker pulled out a pass, which I saw was issued from the adjutant general's office at the Hotel Ingleterre.

It was strictly personal, and entitled the bearer to admission to the palace and to witness the ceremonies. I didn't know that any such nonsense was necessary, so I hadn't any pass, but the coachman opportunely got obstreperous, and, while the sentinel was explaining to him that he could not pass that place, I slipped through after Parker. The street beyond the guards was beautifully clear of people, except for soldiers stationed at every six feet, who were presenting arms with the immobility of so many statues. We walked along behind these wooden men with as much nerve as though we belonged there, all the way to the approaches to the palace, where an impertinent little aide-de-camp induced us to wait till the various generals had gotten safely into the palace.

By the way, the palace was in a fine two-story building, with an arcade in front, and a garden in the courtyard, and smelt of things in such profusion that afterwards, when the evacuation commission's physicians, including Major Archinard, examined the place they reported it unsanitary and not fit for the habitation of human beings. But it looked very magnificent.

We finally got up to the doorway and saw in front of us the long lines of American soldiers, presenting arms, out in the square, and equally long lines of linen-uniformed Spanish soldiers drawn up under the portico, and still more lines inside, in the court yard, closing the vista against the background of the tropical foliage in the courtyard. I was feeling very guilty by now, realizing that I hadn't any pass; but quite a throng of newspaper men, including two who were pointed out to me as Sylvester Scoval and Steven Bonsal, came up, and we all got to talking among ourselves. Then a staff officer came up to us and in the nicest way made us understand that he was assigned to look after us, and see that we didn't break up the ceremony by ill-timed enterprise. Such is the attitude of the Philistine towards the profession—alas! not infrequently on such solemn occasions justified by the actions of irresponsible reporters. But anyway we behaved very well this time, and the staff captain said he would take us to the place assigned to us. He gathered me kindly by the arm and, all oblivious to the fact that I was pass-less, escorted me up the marble stairs in state at the very head of the procession, with Parker on the other side. Someone had said already that we could not bring any cameras into the palace, but either that was incorrect, or the officer, in the goodness of his

heart, overlooked it, but at any rate we brought the cameras, although the place we got into was entirely unsuited for taking snapshots. Inside the courtyard we found a stairway beautifully made of marble, with wrought-iron balustrades, which conducted us to an inclosed gallery overlooking the court through windows partly shaded by green blinds.

At the head of the stairs a group of Spanish officers, in their linen uniforms, striped in narrow bands of black and blue, and looking very neat, as well as very ornamental, received us. Behind them we marched the length of the gallery, and turned to the right into a handsome apartment about 20 feet wide and two or three times that distance long. The walls were richly painted, and the hangings and furniture were of gold and crimson, the one richly carven, the other heavily brocaded. There were plenty of French chairs and settees, big mirrors, and a marble center table, with a few bits of good bronze.

Our guide escorted us to an arched doorway leading into a second room exactly the same size and very much the same in decoration as the first, only it was provided with a row of windows overlooking the square. At the upper end of the apartment was a curtained doorway leading into the viceregal throne-room, of which we could obtain a good view in one of the immense pier glasses, whereof there were several. There was a crimson covered dais, on which stood a high-backed gilt chair, upholstered in crimson damask, and surmounted by a carved back and a gilt-crown. Over head was a crimson silk canopy and behind a large portrait of the last King of Spain. Curiously enough, the painted figure was so placed in the canvas that it seemed to gaze directly through the arches into the room where one of the fairest portions of the Spanish realm was soon to pass forever from the Spanish sway. There were a few Spanish officers in the room when we lined up at the doorway, but almost immediately after us a number of gentlemen, some in the gaudy uniforms of the Americans, others in the simpler garb of the Spaniards and a few in the dark-blue of the Cubans, entered. The latter were present in compliance with a letter written to the Cubans by General Brooke to soothe their feelings, wounded by his previous order. He invited the leaders of the republican forces to be present at the ceremony, and with a great deal of tact prevailed on them to accept the invitation.

The room gradually filled, till there must have been between 200 and 300 persons there. At any rate, we had to stand on tiptoe to see anything except the backs of the people. A young Cuban, evidently a reporter, because he was taking notes, pointed out the notables of his party to us. There was General Rodriguez, a little, sharp-featured man, with a grizzled stubble on his cheeks and an iron-gray mustache on his projecting upper lip, and General Lacret, a bald-headed man, with a dark complexion and very black, well-trimmed mustaches, and Generals Nodarse, Cardenas, Menocal, Sanchez, Vidal, and others, all wearing dark-blue, with the seams of the coat faced with black braid, and the simple cloth epaulettes edged with a narrow line of red. When Rodriguez saw Lacret he made a comical sort of dive at him, and they embraced and laughed and gave other signs of immense satisfaction, which were good to see. The British consul—Jerome, I believe his name was—introduced Rodriguez to General Castellanos, who, I should have said, came into the room at the head of the first comers.

Castellanos, the man whom Blanco left in charge of the government, had the honor of being the last governor general of Cuba. He wore the linen uniform of the Spanish officers, without decorations, and looked very tired and anxious. He was a replica of Napoleon III, in the latter days, when he was dyspeptic and wrinkled. The general had the same waxed mustaches, long imperial and the three heavy creases in his forehead. He carried his head slightly bent forward, and his whole air was full of gloomy submission, tempered with a kind of affability-under-difficulties. He was very courteous to everyone and walked about shaking hands indiscriminately. He even stood to open a door that had closed in a gust of wind, while the single lady present appeared. Who she was I don't know, but evidently the wife of some American officer of prominence. General Davis walked about continually arm-in-arm with the secretary of the Spanish evacuation commission, a little, black-bearded man, in a linen uniform. General Wade was in the midst of the crowd, a handsome, gray-haired, soldierly figure, and Colonel Claus with his capacious breast so heavily covered with medals and orders that at first I could not believe him to be an American officer. It seemed impossible, under our simple republican forms of government, that any man, however distinguished, should have won so many crosses and orders. But Claus is an Indian fighter of

many years' experience, and he can't wear more medals than he ought to. If all that the correspondents beside me said of him be true he didn't have more than half the orders and crosses he was entitled to.

It was a brilliant assembly before General Brooke and his staff, General Lee and his staff and Senator Daniels entered. They came in in the order named, each more majestic and awe-inspiring than the other. General Brooke occupied a good deal of space, but had a face full of determinations dabbed over with little spots of gray hair, so that he made me think of a map that used to be published in old editions of "Robinson Crusoe," where all the things that happened in the story were indicated by curious little white cottony-looking marks. Brooke sat down on the settee between the windows overlooking the square, and did so with evident content, and Senator Daniels and General Lee stood in front of him, shutting him out from the vulgar view like a Chinese god, while the three of them swapped gossip. There wasn't much formality, though a very lively air of expectancy was apparent everywhere in these brilliantly uniformed groups, for all the generals, colonels and captains, etc., of our army wore the complete panoply, even to the gilded waistband and light-yellow scarf provided by regulations, and thus outshone Solomon in all his glory.

Among the correspondents we began to consult watches with considerable assiduity. Twelve o'clock was the appointed hour, and it was rapidly approaching. But when it came it caught us napping. We had got interested in the crowd of celebrities and forgot to keep tab on the passing minutes. Suddenly the band outside in the square began to play one of the Spanish marches, a queer little air, full of grace and daintiness. Unseen by us, the flag of Spain was being slowly lowered on the palace roof, and General Butler's son, a lieutenant, was getting ready to hoist the American flag in its place. At that moment Colonel Hart, the interpreter, made a little circle in the crowded room where we were all standing and faced Generals Brooke, Davis, Wade and other American celebrities, members of the commission, etc., and General Castellanos and the Spanish officers on the other. It was done very quietly and simply, without any parade at all, as though the occasion was a very ordinary one, instead of the most tremendous historical event in the annals of this hemisphere since the surrender at Yorktown.

All at once General Castellanos began talking. He spoke in Spanish, in a clear, well-modulated, conversational tone. He said that the hour had now come for him, in the name of Spain, to relinquish control of the island, and for the Americans to assume domination thereof. He used some pretty phrases to say that the best of feeling existed on both sides, and that so long as he was connected with the government in any way whatsoever he would labor to preserve the cordial relations between the two nations.

While he was speaking our band in the square below burst noisly into the national anthem, and the crowds in the distance began cheering, from which sounds we inferred that the flag of the United States and been hoisted by Lieutenant Butler. But the noise drowned General Castellanos' voice, who affected to be unconscious of the sound and its meaning; he went on talking as though nothing had occurred, and when the cheers and the music ceased we caught the fragments of his peroration. Hart stood beside him, with a sheet of note paper in his hand, and as soon as the general finished, began to read from the MS. a translation of his address.

Then one of the commissioners—which one I couldn't see on account of the crowd—presented General Brooke, who made a rather disconnected and inadequate response. He said he accepted the transference of the control of the island, and then he paused, and after awhile wished Castellanos a pleasant journey home, and paused again, and wound up lamely with a few commonplaces about the significance of the event. Certainly, as far as the eloquence of the speeches went, the Americans did not shine. Castellanos, to whom Hart interpreted the words of Brooke's speech, sentence by sentence, cordially responded to the good wishes regarding his voyage, and then everyone shook hands and all was over.

Before we knew exactly what had happened the Spanish officers had left the room and were on their way downstairs; but the crowd was so dense that no one could follow them, at least no one of the correspondents succeeded in getting through the press. But as the crowd began to thin towards the windows several of us succeeded in getting out on a balcony and saw the Spanish marching towards the harbor in a little body, closely compacted, with their heads slightly bowed, their white caps glistening in the vivid sunlight.

They went, as we learned afterwards, down to the harbor and thence aboard a ship which was waiting for them. But our generals and colonels and dignitaries stood around the room, waiting apparently for something to happen, but which for some unaccountable reason did not happen. Some of the spectators went into the throne-room, and a little knot of photographers tried unsuccessfully to take pictures of the crowd. General Lee withdrew in a few minutes to a position at the head of the staircase, where he was given a subdued ovation. The spell of the solemnity of the occasion was upon us all and we felt it out-of-place for anything uproarious to mar the tragedy of the memorable occasion. There were hundreds, I supposed, who pressed forward to shake the general's hands. Then he went on down stairs, and probably would have left the building had we not suddenly encountered a body of somber gentlemen wrapped in long black silk robes with blue-embroidered cuffs, and wearing black birettas. They announced themselves as the faculty of the University of Havana, wanting to pay their respcts to the American high-and-mighties. They did so, but that was the opportunity that the correspondents had been waiting for, and they promptly ran down stairs as soon as the professors left the way vacant. On the curb we stood and watched the carriages drive up and the Cuban generals get in and drive away. Then the American generals did the same thing. Then General Lee and his staff came down and stood a few minutes in the street, so that the crowd might have a chance to give "t'ree cheer' for Mistere Lee," and got on their horses and rode away to the Prado. That was the end of the ceremony. But as we strolled away the American colors were flying gayly from the flag pole on the roof of the palace, and Cuba was under the control of the United States.

I went on up to the Prado, and found Colonel Wood and the regiment massed in the narrower part of the Prado, beyond San Ygnacio street, towards the harbor. General Wheaton was there, too; and all around were shouting thousands. I can't begin to tell how light-hearted and joyous the populace seemed, for the occasion seemed to lift them out of their customary apathy, and the Prado looked to me like nothing so much as a street in New Orleans when the Mardi Gras procession is coming and before the police have come along and chased the small boys off the thoroughfare and on to the curb. I got there before General Lee, and while I was talking to General Wheaton, a burst of

cheers down the way warned us that the popular idol was coming. So I went back to the Ingleterra Hotel, where the reviewing stand was to be, and waited for the procession. It came on rapidly enough. First General Lee and his staff. The general turned out and took a place beside General Brooke and the two or three other bedizened dignitaries who were perched on a garden bench in the middle of the street in front of the hotel, to watch the troops file past. General Keifer, commanding the First Division, rode by. Then General Wheaton saluted and vanished into the crowd. Then General Lee turned to General Brooke and said:

"Now, here come the Louisiana boys. They call themselves the 'Tigers.' I believe you met the Louisiana 'Tigers' once before, and know what they are."

General Brooke smiled and nodded as Colonel Wood saluted and passed. Our boys did splendidly, but they might have done better, as on other occasions they have done, had it not been for the slippery pavement; but, notwithstanding this drawback, they kept admirable lines, marching in platoons, with their rifles at port arms.

A tempest of applause broke loose and raged with varying intensity as the companies passed. An officer of the Second North Carolina stood alongside of me in the crowd, and out of the goodness of his heart explained to me that this particular regiment had been raised in a city called New Orleans, and was considered to be a very fine command. With an innocent air I ventured to say that I had heard the Second Louisiana spoken of once or twice before. The men wore blue shirts and khaki trousers, and looked big and strong and servicable. It must have done General Lee's heart good to see so fine a regiment leading the long line of his troops. Just byond the reviewing stand the companies had to oblique in order to go around the angle of the Parque Central and reach the continuation of the Prado, and on account of the crowd this movement was executed with some difficulty. One of our battalions had to mark time in front of the reviewing officers, and then halted, bringing down their rifles with such precision as to evoke a storm of applause, not from the crowd only, but from the generals themselves. After the Second Louisiana came the First Texas, and then the Second Brigade, and, finally, the Second Division, which lagged behind on its way to town, and thereby prevented us from being on hand at Morro and Cabanas when the flags were raised, but which

closed up and did very well indeed during the parade. In all, about 11,000 men passed the reviewing stand and marched a few blocks down the Prado, and turned up through San Jose street to the Paseo de Tacon. The troops took a very inconspicuous part in the ceremony, partly, perhaps, because there was no wish to intrude them, although it certainly seemed wise to have them at hand, so that, in case the suggested Cuban demonstration took place, there would have been ample power to quench it before it assumed any extensive proportions. I really think this was the purpose of the commission in having the corps on hand, because, for the purpose of parade, Havana possesses no street to compare with the Prado, and there were only two blocks of that which can be at all used for the purpose. Besides, that would be in line with the policy which they were thought to have in mind—to make the Cubans understand in every way that, for the moment at least, the "boss" in this island was Uncle Sam. Anyway, it would be cruel to suppose that the men were marched about seventeen miles in the blazing sun for no purpose but the gratification of the eyes of the unthinking mob and a few gold-laced military nabobs.

From the Paseo de Tacon the columns struck into the road which passes around the base of the Castillo (or Fort) Principe and by the Colon cemetery, and entered the military road at Puentes Grandes. The men were still resting in the Paseo when I came out about 3 o'clock to take the train to Buena Vista. The One Hundred and Sixty-first Indiana was halted in Reina street, and seated on the curbs, were eating oranges, hardtack and tinned beef very contentedly, while Cuban girls brought them flagons of water and waved flags from the balconies and fastened roses in their shirts. But the Second Louisiana was in camp and resting comfortably when I arrived, and everybody was congratulating each other on the fine showing we had made. That was the whole of the day's doings from our standpoint.

There were other and very interesting scenes connected with the cession of the Spanish power that we did not have much to do with, although some of us saw them from a distance. Such were the flag-raisings at Morro and Cabanas. These two celebrated fortresses lie on the side of the harbor opposite the city, and one may stand at La Punta and see them quite clearly. It seems that when the time came for lowering the Spanish flag, a detachment of American troops was marched into the castle and faced toward a similar line of Spaniards, both at the pre-

sent. Then a Spanish officer and a few attendants advanced, and with the utmost deliberation, lowered the yellow-and-red ensign from the flagstaff. The officer wanted to keep the flag intact, and bundled it up quickly, but failed in his purpose, as I afterward saw an American who displayed a piece of the bunting and said that he and two others had secured pieces of it. Lieutenant Wade, son of General Wade, hoisted the stars and stripes over Morro. The flag went up like a streak of blue, white and red, in marked contrast to the slowness with which the Spanish ensign came down. Over on Cabanas, under exactly similar circumstances, Lieutenant Fitzhugh Lee, General Lee's son, undertook to lower the Spanish flag and substitute the American; but he found the halyards at the flagstaff tied full of knots and had to climb up and cut away a piece of the rope before it could be worked. So he succeeded in getting the starry banner of our country in place just about a minute before the guns in Cabanas and on the Brooklyn, Texas and Topeka, down in the harbor, began to peal the salute. And throughout these ceremonies the temper of the people who were most concerned in it all was admirable. The Cubans were unfeignedly delighted.

I only saw one instance of insult to the flag, and that was afforded by some women in a house across the street from a residence which displayed the stars and stripes. These women shook their fists at the banner and made gestures as though tearing their copious black hair. Our soldiers tell me that they saw several such instances. But they were the exceptions. On the other hand, we came near witnessing bloodshed, because a Spanish sympathizer refused to put up a flag over his door. The regiment was halted in the Calzade de La Infanta, under the walls the fort of El Principe. There was a matchmaker, who had his house right on the line of march, and he sympathized with Spain. All his neighbors were Cubans, and they were making threats against him for failing to show his colors when we arrived. He appealed to Colonel Wood for protection, and the colonel assigned Private Bock, of Company D, to walk post in front of the building and keep the mob away. Bock was thus the very first man in our regiment who was assigned a detail outside of the command after we arrived in Cuba. He had twenty-five rounds of cartridges, like all the other soldiers, and could have given a good account of himself had there been need; but the Cubans never troubled him, as he told us that evening, after he had been relieved and come to camp.

REMINISCENCES OF THE CHEVALLIER BERNARD DE VERGES, AN EARLY COLONIAL ENGINEER OF LOUISIANA.*

By George C. H. Kernion.

With the coming of the Le Moyne brothers, namely Iberville, and Bienville, on January 25th, 1699, to the new Province of Louisiana, there to establish permanent settlements in that vast domain that had formerly been visited by the chivalrous Spaniard de Soto (who breathed his last on the shores of its mighty Mississippi, in 1561), the question of clearing, building and peopling that vast empire of primeval forests, whose boundaries, roughly speaking, were limited by the Gulf of Mexico on the south, by Canada on the north, by the Mississippi River on the east, and by the Rocky Mountains on the west, became at once a source of vital interest for those upon whose shoulders rested the responsibility of bringing civilization into a howling wilderness. The need of competent engineers must, therefore, have made itself felt from the start, though it was not before 1719-1720 that France decided to send over competent and experienced engineers to its colony beyond the seas.

When we read, however, the history of the early engineers of the Province of Louisiana, we are struck by the fact that a strange fatality seemed to have pursued those men that had been sent by their king into the wilderness of the infant colony, not only to plan for its upbuilding, but to devise also ways and means of protecting its first establishments from the attacks of wily and hostile aborigines.

Le Blond de La Tour, the first designated in our annals, as engineer-in-chief of the colony, reached Louisiana in 1720. He was a man of experience in his profession, having entered, as the learned historian de Villiers informs us, the service of his country in 1702, when he was sent as a draftsman to Portugal. Appointed an engineer in 1703, de La Tour accompanied the French army to Spain in 1704-1708, and during those campaigns proved his valor as a soldier at Alcantara in 1705, where he was taken prisoner. Being exchanged in 1706, he then participated in the siege of Marchienne and, as a non-commissioned officer, took part in the sieges of Douai, Quesnoy, Bouchain and Friburg in 1713.

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*A paper read before the Louisiana Historical Society.

Decorated with the cross of St. Louis in 1715, de La Tour received a commission as reserve captain of the Piedmont Regiment, and was then appointed a corporal of His Majesty's engineers. Reaching the colony of Louisiana in 1720, de La Tour, who for so many years previous had faced death a hundred times on the bloody battlefields of Europe and escaped the clutches of the Grim Reaper, died shortly after his arrival in the new colony, or on October 14, 1723.

Adrien de Pauger, knight of St. Louis and engineer, who came to Louisiana at about the same time as Le Blond de La Tour, and to whom really belongs the credit of tracing the first plan of New Orleans, died six years after reaching our shores, on June 10, 1726.

The Sieur de Boispinel, knight of St. Louis, appointed engineer on April 1, 1715, lieutenant and then reserve captain of the Champagne Regiment, who was marked with glorious wounds received at Landau and at Friburg, landed in Louisiana in 1720, disembarking from the same ship that carried Le Blond de La Tour to the colony. But like Pauger and La Tour, he did not exercise his functions for any length of time in the new colony, as death overtook him on September 18, 1723, not quite a month prior to La Tour's demise and scarcely three years after his arrival in the province.

Fate was kinder, however, to the Sieur Broutin, the engineer, a contemporary of La Tour, Pauger and Boispinel, who lived for many years in the colony and proved himself for a long time to be one of its most useful members. But of all the early engineers of Louisiana, none was more favored by Fortune than the Chevallier Bernard de Verges, a scion of one of Bearn's proudest and most ancient families, who settled in Louisiana in 1720, at which date New Orleans counted about one hundred and twenty inhabitants, and who, after forty-six years of uninterrupted usefulness in the colony, during which time he rose to the dignity of knight of the royal and military order of St. Louis and engineer-in-chief, died peacefully under his own roof tree, surrounded by a loving wife and sorrowing children, but not before seeing the infant settlement of New Orleans grow from an insignificant number of souls to a population of more than four thousand inhabitants.

When we study the methods pursued in those early times by the French Government, or its duly-accredited agents, to procure colonists for the distant province of Louisiana, we are astounded

that, with such a beginning as it had, Louisiana should eventually have emerged from the cursed heritage with which she was afflicted by a so-called loving and considerate king, and should have produced a race of men and women whose courage and chivalry, grace and refinement became proverbial in later years, not only throughout the New World but even beyond the seas! For while undoubtedly in early colonial times many high-born, chivalrous and worthy men as well as virtuous, noble and refined women landed on the soil of Louisiana, a very large number of our earliest men and women were gathered from the very dregs of Society in France. Deserters, convicts, vagabonds, cut-throats, smugglers and thieves, as well as women whose depravity or incorrigibility made them unfit even for the Salpetriere or other French prisons, were considered by the Compagnie d'Occident quite proper as colonists for Louisiana, and were shipped, from time to time, in large numbers to the Mississippi Land, as the Province of Louisiana was then called in France.

It was with material of that stamp that Law, the notorious banker who ruled the financial destinies of France for a time, started his plans for a colonial empire, so widely and extravagantly advertised in France from the offices of his Compagnie d'Occident, on the Rue Quicampoix, in Paris. But in spite of it all, scions of the oldest and proudest families in France crossed over to the new country and succeeded, almost impossible as it seems, to found a worthy race on its shores and to gradually bring order out of chaos. And the achievements of those illustrious and daring sons of France will endure as long as History lasts and will forever surround the name of Louisiana with a halo of glory and romance.

A question which many students of Louisiana history are at a loss to answer is what induced so many members of France's old aristocracy in leaving their native shores, where all the comforts of civilization abounded, to seek new homes in the dismal forests of America. What tempted them to brave the terrors of the deep, to cross the wide Atlantic in those ancient sailing vessels that took some sixty and odd days to make the trip, to land at last on a wild and forbidding shore? De Vaissiere, the historian, answers that question in a logical and convincing way. Their course, he says, was prompted not merely by the disadvantages under which all sons of noble French families, except the eldest son and heir, were placed, due to an unjust feudal system, nor

again by the proverbial adventurous spirit of the French "gentilhomme," but more than anything else by their straitened financial condition. For under Richelieu, the power of the nobility was checked and considerably reduced, its former political and administrative authority in the French provinces was henceforth vested in a central power, and the noblemen in that country were so tied down by military obligations, that their erst-while independence no longer existed. De Paty, a chronicler in 1720, states that "all the officers who come to serve in America take that decision for no other rason than the fact that, born without fortune, they hope of finding in that country the means that will enable them eventually of properly serving their king." It is a recognized fact that almost every well-born Frenchman that came to the shores of Louisiana in the early days of its history, came either with a military or a civil title. He was either a military officer or a civil dignitary and came with a heart filled with hope, expecting to soon exchange his penury for easy wealth. But he found instead in his new home more poverty, privation and hardship than he had ever dreamt of before on the now far-off shores of his native land. But it must be said to the credit of those well-born colonists of Louisiana that they one and all proved themselves to be men cast in heroic molds and that in spite of every heart-rending trick of Fate, they rose bravely to the occasion, stemmed the tide of despair that threatened to overwhelm them, and bravely carried on their titanic task of colonization and civilization. Eventually those noble and hardy pioneers found in America those advantages and privileges which had once been theirs in France but which under the reign of Louis XIV they had gradually lost. The forests were slowly denuded of their towering oaks, pines and cypresses, concessions of land were granted them, modest homes were erected, fields were cultivated by sturdy African slaves, and with the gathering of their crops, the spirits of the colonists revived. Here was peace and contentment. Their concession had become, as it were, their "fief", over which, like their ancestors in the old country, they lorded it like princelings. They were held in great esteem and reverence by the surrounding and humbler colonists. They counselled them with wise advice in times of peace, but were ever ready to gird their swords when danger threatened them and to lead them bravely to meet the foe, no matter how treacherous or formidable he might be. They became the builders of a new country and

the leaders and teachers of the less favored colonists, encouraging by their good example the worthy and ambitious among them, but curbing by their bravery and determination the rebellious and criminally inclined.

It was in 1720, as is shown by the "General List of Passengers for Louisiana between the years 1718 and 1724," a copy of which belongs to our Louisiana Historical Society, that the good ship "Le Dromadaire" of the Compagnie d'Occident, under the command of Captain St. Mar, reached the shores of Louisiana. The passengers consisted of sixty-one men, including Le Blond de La Tour, the "ingenieur en chef." These sixty men who came with him formed part of his official personnel as chief engineer of the colony. Included among them were Le Blond, a brother of the engineer-in-chief, de Boispinel, who in the list of passengers is also designated as engineer-in-chief, de Verges, the subject of this paper, whose official title is "dessinateur" or draftsman, Bissard, a captain, Juif, the chaplain, Bailly, a surgeon, Marchand, a volunteer, four servants of Le Blond de La Tour, three servants of de Boispinel, a servant of Bissard, and another domestic. The passenger list also included two ploughmen, a wood turner, a carpenter, two cabinet makers, a locksmith, a gunsmith, a stone cutter, a silk worker, a wool comber, twenty-eight soldiers and a drummer. It was a much better aggregation than had been sent on some of the preceding vessels, there being a total absence on board of convicts or dissolute women. All were hard-working or useful men, that were to contribute their efforts in building up the infant colony. The name of de Verges is incorrectly spelt on the passenger list of "Le Dromadaire," appearing thereon as M. de Verge, an evident error, but there is absolutely no doubt in the mind of the writer that the "dessinateur" or young engineer on "Le Dromadaire" was none other than Bernard de Verges, who later on became engineer-in-chief of the colony.

At the time of the arrival of Bernard de Verges in the colony, New Orleans, on the site of which the first hut had been built between March 15th and April 15th, 1718, then barely existed. Pauger, the engineer, in March 1721 complained that he "could not make the alignments in New Orleans because there were too many bushes and canebrakes" (Hist. of the Foundation of New Orleans, by de Villiers. La. Hist. Society, April 1920, page 195).

The position of draftsman which Bernard de Verges held at the time of his arrival in Louisiana was not a very lucrative one

since we know that the compensation of the draftsman in the colony in the year 1726 amounted to about six hundred livres per annum. But this position was a stepping stone to that of engineer, which the young colonist from Bearn no doubt greatly desired at the time.

We have not been able to establish where Bernard de Verges first resided in the colony, but we know, from a letter addressed by him on April 5th, 1742, to the Minister in France (and mentioned in Margry) that at the time of his arrival, there being very little work then being done in New Orleans, and not considerable enough in volume to require an engineer's time, he had requested "through his zeal to serve the king properly in the colony" permission to serve at the Balise, "having always regarded that place as the post of honor, being, as it was, the key to the colony."

This young engineer, Bernard de Verges, who later was to play such an important part in the affairs of the colony, had seen the light of day in the Parish of Eurt, city of Bayonne, in Bearn, France. He was born (as appears from family records still existing in France) on January 10, 1693, being therefore about twenty-seven years of age when he reached Louisiana. His father's name, as shown in his marriage certificate, dated December 29, 1733 (preserved in the archives of the St. Louis Cathedral, New Orleans, where the marriage was celebrated) was Francois Artus de Verges, an officer in the Regiment of the Bandes Gramontoises in Bearn. His mother's name was Marie Lagrenade. However certain data which the writer has recently received from a member of the de Verges family in France (which information was secured through the kindness of the distinguished Louisiana historian de Villiers and which he hereby gratefully acknowledges) indicates that the father of our engineer was known under the name of Bernard de Verges and not Francois Artus as shown in our engineer's certificate of marriage. This Bernard (or Francois Artus de Verges) had married twice, viz: In 1661 and 1679. From these two marriages were born six children to-wit: 1o. Armand Xavier de Verges; 2o. Pierre de Verges; 3o. Dominique de Verges; 4o. Bernard de Verges (our engineer), born January 10, 1693, and two daughters. The member of the de Verges family in France who furnished the writer the above data states that the above-named Bernard de Verges, born in 1693, seems to be the founder of the de Verges family in Louisiana, as no trace exists of any of his descendants in France.

The de Verges family to which our engineer belonged was, according to the well known genealogist LaChesnaye-Desbois, one of the oldest and most illustrious in Bearn. Desbois, in his "Dictionnaire de la Noblesse," states that de Verges was an ancient castle and seigniory situated in the Parish of Sazos, in the valley of Bareges, Hautes Pyrenees, that owed allegiance originally to the ancient Counts of Bigorre. This seigniory had lords (or seigneurs) of the same name since the XII century. These seigneurs de Verges were also founders and patrons of the church and Parish of St. Julien of Sazos. Their name appears in ancient latin titles as de Vidariis and de Viridario. In old French records the name is variously spelt as de Verges, de Vergez and du Verger.

The earliest known founder of this family was Garsie Arnaud de Verges, "damoiseau" (or esquire), Seigneur de Verges, and patron of Sazos in 1253. He signed with the lords of Viala, la Pene, St. Martin and other noblemen of the place, a treaty of peace made between the inhabitants of the valleys of Ossan and of Oleron, in Bearn, and those of the valleys of Bareges and of Lavedan in Bigorre. This treaty was signed in April 1277. This Garsie Arnaud de Verges had a son of the same name who, in 1300, by order of Philippe le Bel (or Philip the Fair), count of Bigorre, was included in the roll of the barons and "gentilshommes" of the County of Bigorre.

Various escutcheons are given to the de Verges family, but the arms mentioned on the original titles of the family as their own, and which seem to be the official and correct escutcheon of the family, are described as being: On a field argent a sinople tree, with a gules band charged "en coeur" with an argent rose.

The members of the de Verges family occupied, at various times, important positions in the army and navy as well as in diplomatic and church circles. In the latter part of the sixteenth century this family was represented by five distinguished captains, who formed as many different branches, from one of which our colonial engineer, Bernard de Verges, descended.

Shortly after the arrival of the young draftsman and engineer, Bernard de Verges, in the colony, he solicited the privilege of serving at the Balise, one of the dreariest and most uninviting spots in the Province. As he himself states, he was actuated in so doing by his desire of serving his king properly, as he considered the Balise the post of honor, being the key to the colony.

He was commandant of the post of the Balise on July 31, 1727, when the "Gironde," that had left Lorient, France, on February 22nd of that year, anchored at the mouth of the Mississippi River, and history relates that the commandant Bernard de Verges greeted the nine tired Ursuline nuns who had made the perilous trip across, with the true grace of a Frenchman, and placed his quarters at their disposal until they could proceed by pirogue and shallop to the City of New Orleans, there to start their great work of Christian education, that has continued uninteruptedly up to this day.

On December 29, 1733, the bell of the primitive church of St. Louis, facing the Place d'Armes, tolled merrily, and, though the bleak wintry winds were perhaps howling that day over the little town of New Orleans, Spring was in the heart of the young de Verges, for that day was his wedding day. The old archives of the St. Louis Cathedral contain the record of the nuptials. He was leading to the altar Marie Therese Pinau, a native of La Rochelle, Parish of St. Sauveur, daughter of Pierre Pinau, an early colonist, and of Susanne Meunier. His bride was nineteen years of age at the time, being born on April 3rd, 1714. The ceremony of marriage was celebrated by the Rev. Pierre de Luxembourg, Capuchin priest and missionary, and the witnesses were the father of the bride, Broutin, reserve captain and engineer, Lieutenant Monderlois and Captain de Gauverit of the Navy. In the marriage record the groom, Bernard de Verges, is qualified as a reserve lieutenant and an engineer of the King, and as the son of Monsieur Francois Artus de Verges, an officer in the Regiment of the Bandes Gramontoises, and of Marie Lagrenade. His birthplace is stated as being in the City of Bayonne, Parish of Eurt.

We now reach the year 1737, and we find our engineer trudging through distant forests, bent on making an important discovery. Bienville, the Governor, had ordered him out on a serious mission, and the engineer had obeyed his superior's orders and ventured out in the wilderness, proceeding as far north as the present city of Memphis, Tennessee. The object of his travels was to study the country of the warlike Chickasaw—a nation which for a long time had been causing great uneasiness to the prudent Bienville. What reason actuated the Governor in selecting Bernard de Verges over the engineers in the colony for that dangerous work, will never be known. Was it that he

considered him the fittest or bravest for that important mission, or was Bienville prompted by malice or dislike for the engineer, is a question open to conjecture. But de Verges fulfilled his perilous work, mapped out the enemy's country, and returned to New Orleans with his report and a map of the Chickasaw country, showing the best road leading to that nation's stronghold, which he stated was suitable for military operations.

In 1739 Bienville decided to crush the Chickasaws, and Gayarre tells us that he based his plan of attack on the report made him in 1737 by the engineer de Verges. All available troops in the colony were pressed into service and help had also been requested from distant Canada. Eventually the army moved out, ascending the Mississippi up to the mouth of the Margot River, near the present site of Memphis, Tennessee. Bienville was commander-in-chief and the engineer de Verges was among his followers. All told the French forces numbered twelve hundred white men and nearly two thousand friendly indian allies, and were well supplied with food, cannon and ammunition. It had been decided by Bienville that the troops were to meet at the mouth of the Margot River. The vanguard, under de Noyan, reached there in August 1739. Then came de la Buissoniere with the garrison of Fort Chartres of the Illinois, part of the Illinois militia and two hundred indians. A week later the Canadian auxiliaries, consisting of a company of cadets from Quebec and Montreal, and a large force of indians from the North Country, under Celeron and St. Laurent, arrived. But nothing could be done by the assembled forces until the arrival of Bienville. He was still on his way to the rallying point and it was not before November 12, 1739, that he joined, with the balance of his forces, his advance guard that had been waiting for him since August. This delay had proven fatal to his troops, a large number of the unacclimated soldiers having died before his arrival. To add distress to misfortune, when everything was ready for a start, in November 1739, the road leading to the enemy, which de Verges had found and mapped two years before, and which Bienville was to follow could not be found. Thereupon, de Verges, de Noyan and the draftsman Saucier were ordered to find a new road. Gayarre tells us that each of them found a different road, which they respectively claimed as being the best, but all of which were rejected by Bienville as unsuitable. The result was that the army had to wait from November 12, 1739,

until January 1740, when the engineer Broutin succeeded at last in locating a desirable road. On the point of marching toward the enemy, the food gave out. This meant another delay. A Council of War was held and their decision was, that on account of existing circumstances and of the condition of the army, the expedition would have to be abondoned.

And so ended this inglorious campaign, but to add a tinge of irony to it for its commander-in-chief, while Bienville and most of his army were retreating toward distant New Orleans, de Celeron, the intrepid auxiliary of Bienville, with his hundred Canadian Cadets and four to five hundred Indians, marched bravely and unassisted against the Chickasaws, apparently so much feared by Bienville. The Chickasaws did not show fight but, as soon as de Celeron and his men approached, the red men begged most humbly for peace. De Celeron acceeded to their demand and sent some of their chiefs running after the retreating Bienville, who eventually concluded a conditional treaty of peace with them. It was, to say the least, an unfortunate campaign, and though de Celeron reaped some well-earned glory from it, Bienville, on that occasion, proved himself a very poor military leader.

In 1740 the position of engineer-in-chief was vacant in the colony, and Bienville, still smarting under the humiliation of his inglorious campaign, seemed to have vented his spleen upon his engineer de Verges. On June 15, 1740, the Governor wrote to the Minister to the effect that, though he had no right to decide the question as to whether or not it was necessary to appoint an engineer-in-chief in the colony, he, nevertheless, desired to state that, in the event the Minister decided to establish a difference between the engineers serving in the colony, he, as Governor, wished to propose the Sieur Broutin for the highest position, as, from personal observation, he considered him far superior to the Sieur de Verges, both as to engineering skill as well as to zealousness and activity. He also added that Broutin had held a commission as reserve captain long before de Verges had any rank in the military organization of the colony, and suggested that de Verges be sent back to the dreary post of the Balise. In this same letter Bienville proposed Saucier, the draftsman, as engineer for the Mobile post. He described Saucier very eulogistically, stating that he was "a creole of good family, educated in Paris, where he learnt mathematics, and who has since ten years

that he returned to the colony, served with indefatigable zeal. It is due to his discoveries," Bienville adds, "that we possess our present perfect knowledge of the country between the Fleuve St. Louis and the Mobile River, of which discoveries, Monseigneur will receive the maps and plans by the same vessel. Saucier is very capable in all other branches of the engineering profession, and applies himself very diligently to his work" (Margry). If Governor Bienville, by such tactics, desired to side-track Bernard de Verges from realizing his cherished ambition of becoming engineer-in-chief of the colony, the determined engineer from Bearn did not propose to be so easily disposed of, and about a month and a half after Bienville had written to the Minister to advocate the appointment of Broutin, de Verges, in turn, took up the pen to plead his cause.

We find him addressing a letter to the Minister on June 28, 1740, in which he advised him that he had forwarded him a Memoir, prepared from the journal he had kept, not only during his first mission to discover a suitable road to the Chickasaw country in 1737, but also during his sojourn at the posts of St. Francis and the Assumption in the latter part of 1739 and early part of 1740, with Bienville's army. He added: "If Monseigneur will only condescend to have this Memoir read to him, he will realize that I have on no occasion neglected to give the Governor all information that might be needed by him to locate the road mapped out by me in 1737. I respectfully represent that I should not in any way be held for blame, if the advice on the subject, so often given by me, has proven unsuccessful of results, for the reason that I had no executive power in the matter and, therefore, was not in a position of carrying out my suggestions into execution. Prompted by my desire to see this enterprise, whose ultimate success was so much desired by the colony, brought to a successful issue, as well as actuated by the zeal which I boast of having for the service of the King, I proposed my plans to those in command, but though my suggestions were at times declared to be sound, none of them were ever carried out."

In this same letter, de Verges stated that he hoped the animosity which for almost twenty years past and for no apparent reason, Bienville, the governor, had shown toward him, would not prevent the Minister of treating him with the fairness which he (de Verges) had always striven to deserve.

This letter of de Verges was accompanied by a Memoir which was very important. This monograph was entitled:

"Journal of the Sieur de Verges, engineer of the King in Louisiana, concerning the service of which he was charged for the expedition of war ordered against the Chickasaws, as well as the essential facts that have happened on the subject according to his own knowledge from September 3, 1737, when the question arose of discovering and mapping a road along the river in the interior of the country so as to be able to reach the enemy's country, until February 15, 1740, date of the decision of the non-success of this enterprise." This important Memoir of Bernard de Verges (mentioned by Margry), and which still exists in the French archives in Paris, was divided into five parts, namely:

1st. First Discovery of the Road.
2nd. Plans for the Campaign.
3rd. Establishment of the first "entrepot" or post.
4th. Additional facts on the Discovery of the Road.
5th. Establishment of the second "entrepot" or post at the Ecores a Margot.

In connection with Bienville's ill-fated expedition against the Chickasaws, the historian de Villiers states that, when in 1737 de Verges was sent by Bienville to discover the road and to get the lay of the enemy's country, the engineer sojourned for a while with the Arkansas Nation and was advised by this tribe that the mouth of the St. Francis River was the best place wherefrom to start on an expedition against the Chickasaws. The Arkansas informed de Verges of the distance to be covered in order to reach the enemy's stronghold, but their estimate was far short of the real distance. Even though the prudent de Verges made allowances for the red men's miscalculations by adding at least ten leagues to their estimate, he also was very far off from estimating the true distance. This was one of the reasons that prevented, at the last moment, the departure from the Fort of the Assumption, of the united army under Bienville. (Journal des Americanistes—Vol. XII—1921—pages 7-9).

In July 1740, we find de Verges mentioned as the engineer at the Fort of Balise, and on the twenty-second day of that month and year he addressed to the Minister a "Memoir of Observation" concerning the causes of the rising of the waters and tides, that since about eighteen months past had submerged the Island of the Balise to a greater depth than ever before. In this Memoir he describes the difficulties both of living at the Balise as well as of properly protecting it from attack, due to contin-

uous overflows (Margry). De Verges was still at the Balise when on September 11 and 18, 1741, terrific storms devastated the place and virtually destroyed almost every government building thereon. Bienville at once ordered de Verges to draw up plans for their rebuilding. These plans were duly made by the engineer, as well as an estimate of the cost of construction, which amounted to 454,974 livres. The plans were duly accepted by the Governor, bids were called for the most pressing part of the work, and duBreuil, the wealthiest colonist in Louisiana, was declared the lowest and successful bidder. His bid called for a disbursement of 297,382 livres 10 sols, a tidy sum for those times.

In 1741 de Verges reported favorably on the erection of a fort at the Balise to cost 532,408 livres, as he estimated. This fort was, however, not constructed, and later in 1746, Vaudreuil, the Governor of the colony, reported that it was impossible to erect any lasting fortifications at the Balise, on account of the marshy nature of its soil.

In 1742 de Verges was still a simple engineer in Louisiana, and his desire of becoming engineer-in-chief was as yet unfulfilled. Therefore on March 15, 1742, we find him addressing a letter to some acquaintance in France in which he enumerated his services in the colony since 1733. He requested the friend to whom he wrote to bespeak a good word in his favor to the Minister and to endeavor to obtain for him from the government some compensation that would repay him, at least in part, for the considerable outlay he had had to make out of his own funds in connection with his official travels throughout the colony. He also requested this friend to obtain for him from the Minister the privilege of loading for his account and free of cost, for a period of years, merchandise not to exceed one ton (or tonneau) in weight, on every vessel of the King coming from France to Louisiana. (Margry.)

On April 5, 1742, de Verges again wrote to the Minister, begging him this time to remember his request for the position of engineer-in-chief, should the government deem the creating of such a position necessary. In this letter he stated that he had been employed in the colony four years prior to the time when Broutin began to exercise any public function and that, therefore, he was more entitled to the position of chief engineer than his rival (a direct contradiction of Bienville's statement to the Minister on June 15, 1740, who informed him at the time that Broutin

had held a commission as reserve captain in Louisiana long before de Verges had any rank in the military organization of the colony). In this letter, de Verges brought out the fact that he had solicited on his arrival in the colony the privilege of serving the King at the post of the Balise, not merely because at that time there was not sufficient work being done in New Orleans to require an engineer's entire time, but because he considered the Balise as the Post of Honor in the colony, being the key to the colony. (Margry.)

On May 10, 1743, the Marquis Pierre Rigaud de Vaudreuil, known as "le grand marquis," succeeded Bienville as governor of Louisiana and arrived in the colony, which he was destined to govern for a period of ten years. It was during that year that Bernard de Verges formed a partnership with the Sieur Adrien de La Place for the purpose of operating a plantation, known as "Trianon," on the opposite side of the Mississippi River, one league above New Orleans. This partnership continued until the engineer's death in 1766. The Sieur de La Place who had become an associate of de Verges was evidently a relative of his by marriage, as records still extant in the Archives Nationales show that on August 6, 1776, a Madame de La Place de Verges, then in Paris, addressed a letter to an acquaintance of Pierre Etienne Bourgeois de Boynes, then Minister of Marine, asking his cooperation in the efforts she was making for obtaining protection and redress from the Minister in favor of an unfortunate friend of hers, a Mrs. Bauduy, formerly of Bordeaux, but then of St. Domingo, who was being most harshly treated by a cruel husband.

Like most families established in Louisiana, it is very probable that the de Verges family had also a plantation in St. Domingo. At any rate a document preserved in the Archives Nationales (Colonies E 385), dated May 22, 1755, states that the Sieur de Lalanne, intendant of St. Domingo, proposed the Sieur de Verges for a position of Councillor in the Superior Council of Port-au-Prince. The intendant added that the Sieur de Verges was the most capable French subject to be found in the colony and that while it was true he had never held the intermediary position of Councillor Assessor, he nevertheless had exercised for four years past, and with the approval of every one, the functions of lieutenant of the jurisdiction of Port-au-Prince. This suggestion of the intendant de Lalanne was apparently heeded by

Louis XV and the Sieur de Verges was duly appointed a Councillor, as the document bears the word of approval "bon" (or "satisfactory"), written in the hand of Louis XV himself. The writer has not been able to determine who this Sieur de Verges, Councillor in St. Domingo, was. He might have been a son of the engineer de Verges, or again a brother.

At the end of 1745, the engineer de Verges forwarded to France another Memoir, this one being on the jetties of the Mississippi River. "The bars," he wrote, "which are to be found in all the passes of the river, prevent ships from sailing through. The pass where the water is the deepest and which has been the only navigable one since 1722, at which time said pass was carefully examined, is the Balise, through which pass vessels drawing between thirteen and fifteen feet of water have been able to pass, sometime easily and at other times with difficulty, according to the fact that the bar was more or less high, and it has been noticed since 1722 that there has never been over the bar at its highest less than eleven feet of water, or at its lowest more than fourteen and a half feet of water. Therefore it has very rarely happened that a vessel drawing thirteen to fifteen feet, could pass without striking the bar and being towed in or compelled to lighten its cargo. This pass has a very rapid current and measures thirty to forty "brasses" in width.

In September 1746, war having broken out between France and England, Vaudreuil had been advised from France that three vessels and a frigate had left England in April of that year under Admiral Knowles, and that it was believed the English sea forces would attack Louisiana or Florida in conjunction with the army of General Oglethorpe, of Georgia. Being very much concerned about fortifying the Mississippi River, Governor de Vaudreuil wrote on November 24, 1746, to the Minister to the effect that being informed that war had been declared between France and England, he had visited the Balise and had become convinced of the impossibility of erecting at that place any fortifications, on account of the marshy condition of the soil. The river, however, he said, had to be defended. Lenormand, the "Ordonnateur," was in favor of erecting the fortifications at the Plaquemine Turn, this land being the nearest solid land to the river's mouth (a selection later approved as the best by modern engineers). However, Vaudreuil, as well as the engineer de Verges and Livaudais, the Captain of the Port, disapproved of this site,

on account of its being at such a distance from New Orleans and, therefore, requiring a permanent garrison that, in case of peril, could expect no early help from the city. Another objection was the prohibitive cost, as a fort at the Plaquemine Turn would require three batteries of twenty heavy pieces each on each side of the river. Vaudreuil therefore concluded that the only place on the river that could be properly fortified with the twenty pieces of 18 calibre which the colony then possessed, was the Detour a l'Anglais (or English Turn), five leagues distant from New Orleans. He thereupon determined to build at that place, and on each side of the river, an earthen fort, strongly held together by a mattress of branches (or fascines), according to plans and specifications prepared by the engineer de Verges. The inhabitants of New Orleans and of the surrounding country were ordered by Vaudreuil and Lenormand to furnish one-fifth of their negro slaves for six weeks for the erection of said forts.

On January 29, 1753, there was another change in the colony. Louis Billoart de Kerlerec, an illustrious naval officer from Quimper, Brittany, assumed the reins of government as a successor of Vaudreuil. On February 15, 1753, or about two weeks after the arrival of the new governor, the Sieurs d'Auberville, des Salles, in charge of the artillery, and Bernard de Verges, who by this time had received his commission as engineer-in-chief of the colony and is so designated, descended the Mississippi to the Detour a l'Anglais, there to examine the forces and fortifications on the river. Kerlerec declared that he found the forts, then in charge of the Sieur de Villemont, in good condition, but he added that the batteries were defective and insufficient.

By this time, Bernard de Verges, beside the appointment he had received as engineer-in-chief of the colony, had also been made a knight of the Royal and Military Order of St. Louis. The cross of St. Louis was the most coveted honor among the officers in the Province, as it represented an order of knighthood, created by Louis XIV, and instituted solely as a means of rewarding military valor, services or talent.

In 1754, the Chevallier Bernard de Verges visited the post of the Illinois, then in course of construction, and estimated its total cost at between 230,000 and 270,000 livres.

In 1756, de Verges drew the plans for Fort Ascension (or Massac), near the confluence of the Ohio and the River of the Cherokees. This fort was actually constructed by the Sieur de

Macarty in the following year, to protect French territory from an expected English attack. It is described as a square flanked by four bastions, with a palisade of two rows of logs, joined together and resting against a "banquette" on the inside.

In 1758, news reached the colony that must have gladdened the heart of Bernard de Verges, the engineer, and caused it to swell with pride. He had a son, Pierre de Verges, an ensign in the French troops, who had been sent to the distant post of the Illinois and who had covered himself with glory at the attack on Fort Duquesne, in the Illinois country. To be exact, it was on September 14, 1758, that the English, commanded by Colonel Greene, advanced in great numbers toward Fort Duquesne. Aubry, a French captain, sent the preceding spring to convoy a provision train, sounded at once the call to arms, and, followed by his officers, among whom was the ensign Pierre de Verges, and part of the garrison, emerged from the fort and rushed toward the enemy that greatly outnumbered the French. Unflinchingly they advanced in the face of three withering volleys of musketry and charged the enemy fearlessly. Three hundred English were killed, two hundred were made prisoners and many were drowned in trying to escape. Every officer had covered himself with glory but those specially cited by the commander were Captain de Villiers and Ensign Pierre de Verges. Attacked by three English soldiers, Pierre de Verges, single-handed, killed two of them and took the other prisoner. Governor Kerlerec, in reporting the action to his Government, gave a special citation to the brave Pierre de Verges. The following year (or in 1759), this impetuous son of the engineer de Verges killed in a duel, fought with all the punctiliousness of the Code Duello, the Sieur de Moncharvaux, a young "cadet a l'aiguilette." There is still extant in the Archives of the Colonies (Paris) a curious manuscript, written by the father of the victim, in which he requested that Pierre de Verges be not prosecuted for his son's death as the duel had been loyally fought. (de Villiers du Terrage).

On August 14, 1759, the Chevallier Bernard de Verges, engineer-in-chief, attended the nuptials of his eldest son Bernard de Verges. The ceremony took place in the parish church of St. Louis, in New Orleans, and the groom is designated in the official act as Bernard de Verges, ecuyer, ensign of a detached company of the navy, son of Bernard de Verges, knight of the Royal and Military Order of St. Louis, captain and engineer-in-chief of the

Province, and of Marie Therese Pinau. It appears from this act that the engineer-in-chief had been promoted before that date to the rank of captain. The bride for the occasion was Marguerite Chauvin de Lery, the young widow of Dominique de Verbois, ecuyer, ensign of a detached company of the navy, and the daughter of the late Joseph Chauvin de Lery, captain of militia in Louisiana, and of Francoise Laurence Le Blanc. We know that in 1759 the colony of Louisiana was split wide apart by the bitter quarrel that had arisen between Rochemore and Kerlerec. The engineer de Verges evidently sided at times with the Governor and again with his Ordonnateur, for while in 1759 we find Rochemore denouncing to the Minister certain friends and partisans of Kerlerec, for whom he requests reprimands or recalls to France, among whom he mentions de Verges, the engineer, and others, we shall see further on where Kerlerec, his erst-while friend, complains of the relations existing between the engineer and his rival Rochemore.

In December, 1759, there were in New Orleans rumors of war and of English invasion. It was whispered in official circles that the English were going to invade the Province from the north. Kerlerec, therefore, on January 2, 1760, called together a Council of War, composed of himself, as Governor, of Rochmore, the engineer de Verges, d'Herneville, Grand Pre, Grand Champ, Marest de la Tour, Bellehot, Favrot, Pontalba, la Molere d'Orville and Trudeau. This Council had been assembled for the purpose of deciding how New Orleans should be fortified and placed in a proper state of defense. De Verges, the engineer, presented to this Council complete plans for the city's fortifications, consisting of ditches, palisades, bastions, platforms, etc. His plans were unanimously approved by the Council of War, as well as his estimate of the cost which amounted to 459,725 livres, and work was started at once in making New Orleans a fortified and walled city. Kerlerec, on December 21, 1760, reported to the Minister that the work on the fortifications of New Orleans had just been completed.

In the same year, 1760, we find Kerlerec reporting to his Government the fact that Rochemore tried to win over to his side all the officers and dignitaries of the colony by advancing them some of the funds belonging to the colony, a procedure he considered as being very detrimental to the best interests of the Province. He mentions specifically the fact that Rochemore had

made a loan of three thousand livres of Government funds to de Verges, and that the following day de Verges was counted as one of the partisans of the Commissaire Ordonnateur.

But things were moving swiftly in New Orleans at that time and a friend to-day was an enemy to-morrow. On April 25, 1760, the engineer de Verges and fifty-six other of the most notable men of the colony, were appending their signatures to a protest addressed to the Minister, against Rochemore's administration of affairs as well as his attitude toward the Governor, in which protest Kerlerec was praised as a wise and prudent official.

On January 14, 1761, we find the engineer de Verges advancing to his son, Pierre de Verges, hero of Fort Duquesne in the Illinois, an officer in the detached troops of the navy, the sum of 1500 livres, to enable this son, who was stationed for the King's service in the Illinois country and who was about to leave New Orleans to return to his post, to purchase his necessary equipment and pay his travelling expenses thereto. This curious record was discovered by the writer in the notarial records kept in the New Court House building in New Orleans, in a register of official acts for the years 1745 to 1767.

In 1766, the Chevallier Bernard de Verges, engineer-in-chief, and his son Bernard de Verges, infantry officer in the colony, signed with many other notables of the Province a certificate of their approval of Kerlerec's conduct and of their censure of Rochemore's antagonistic ways. But as he did so, the old engineer's useful life was drawing on to its close. With the weight of seventy-three years resting on his shoulders, the Chevallier de Verges was still taking a lively interest in the colony where he had labored, as we have seen, unceasingly for forty-six years. A patriarch among his fellow colonists, the Almighty had granted him not only the strength of living through epidemics, tropical storms, the snares of the red men, famine and other perils without end, and attaining a ripe old age, but had blessed him with a numerous progeny, the members of which had all married into the proudest families of old Louisiana. For from his marriage with Marie Therese Pinau were born seven children, namely: Bernard de Verges, Pierre de Verges, Francois Xavier Dagobert de Verges de St. Sauveur, Louis Joseph Auguste de Verges de St. Luc, Marguerite Madeleine de Verges, Marguerite Francoise de Verges and Charlotte de Verges.

Bernard de Verges, eldest son of the engineer, married on August 14, 1759, Marguerite Chauvin de Lery, widow of Dom-

inique de Verbois, ecuyer and former ensign in Louisiana. This Marguerite Chauvin de Lery was the daughter of Joseph Chauvin de Lery, captain of militia, and of Francoise Le Blanc, and was a first cousin of Nicholas Chauvin de la Freniere, illustrious martyr of Louisiana and victim of O'Reilly's revengeful spirit in 1769. The Chauvin family, as we all know, was one of the richest and most powerful in colonial Louisiana.

Pierre de Verges, other son of the engineer, was an able officer in the colonial infantry, who distinguished himself, under Aubry, at Fort Duquesne in 1758, and who is recorded as killing in a loyal duel, in 1759, the Sieur de Montcharvaux, a brother officer, in the Illinois Country. Not satisfied with serving the colony with distinction under the French Regime, Pierre de Verges occupied a seat among the mighty of the Province under Spanish Rule, being an Alcalde in the Cabildo in 1779 and 1780, under Galvez. This Pierre de Verges married in New Orleans, on May 4, 1769, Marie Josephe Catherine Poupart, born at Fort Conde of Mobile, and widow of Antoine Griffon d'Anneville, former keeper of the King's Stores in Louisiana and subdelegate of the Commissaire Foucault at the post of the Illinois. This Marie Josephe Catherine Poupart was the daughter of Joseph Poupart (who died at Fort Toulouse, Mobile, in 1740) and of Marie Roy. She had a sister, a Miss Poupart, who was the wife of the Sieur Carlier, Controller of the Navy in Louisiana, and a warm friend of Rochemore. Pierre de Verges and his wife Marie Josephe Catherine Poupart left, from their marriage, no male issue but only three daughters, namely: 1st. Marguerite Constance de Verges, who married Jacques Huchet de Kernion, son of Jean Rene Huchet de Kernion, former French officer in the colony, and of Louise Constance Chauvin de Lery des Islets; 2nd. Marie Prudence de Verges, who never married; 3rd. Marie Josephe Modeste de Verges, who married on December 16, 1795, Jean Rene Huchet, ecuyer, Sieur de Kernion, former French officer and Spanish alcalde, son of Jean Francois Huchet, ecuyer, Sieur de Kernion, former French officer and Titulary Councillor in the Superior Council of Louisiana, and of Jeanne Antoinette de Mirebaize de Villemont, widow of Antoine Rivard Jr. Strange as it may seem to-day, this Marie Josephe Modeste de Verges in marrying Jean Rene Huchet de Kernion, married the father-in-law of her sister, Marguerite Constance (wife of Jacques Huchet de Kernion who was a son of Jean-Rene), so that Mrs. Jean Rene

Huchet de Kernion was at the same time sister-in-law and step mother of Jacques Huchet de Kernion, her sister's husband. Indeed we find strange family tangles in Louisiana, due to frequent intermarriages between the old families. It is from the marriage of Jean Rene Huchet de Kernion to Marie Josephe Modeste de Verges (grand-daughter of the engineer) that the writer of this article descends directly from the Chevallier Bernard de Verges, chief engineer of Louisiana, being the great, great, great grandson of that colonial official.

Francois Xavier Dagobert de Verges, Sieur de St. Sauveur, a third son of the chief engineer, married on December 24, 1777, Madeleine Victoria Heloise Martin de Lino de Chalmette, daughter of Louis Xavier Martin de Lino de Chalmette, lieutenant of detached naval troops in Louisiana, Commandant of the Post of of the Arkansas in 1751, and of Madeleine Marguerite Broutin, widow of Francois Philippe de Mandeville, Sieur de Marigny. This Martin de Lino de Chalmette family was a very noble and distinguished family that, originally from France, eventually came to Louisiana from Canada. This Victoria Madeleine Heloise Martin de Lino de Chalmette who married Francois Xavier Dagobert de Verges de St. Sauveur (son of the engineer) was a close relative of the Marquis de Vaudreuil, Governor of the Province, being a grand-daughter of Angelique Chartier de Lothbiniere, a near relative of the Rigaud de Vaudreuil family. Francois Xavier Dagobert de Verges de St. Sauveur from his marriage with Madeleine Victoria Martin de Lino de Chalmette, left numerous descendants, most, if not all of the present de Verges family, which is very numerous, descending directly from him.

Louis Joseph Auguste de Verges, Sieur de St. Luc, a fourth son of the engineer-in-chief, does not seem to have married. At least we have discovered nothing about him except that he was a minor when his father died in 1767.

Marguerite Madeleine de Verges, daughter of the engineer-in-chief, married the Sieur Henri d'Orgon, knight of the Royal and Military Order of St. Louis, captain of infantry and Commandant of the Natchez Post, a very distinguished military officer in the early days of the colony.

Marguerite Francoise de Verges, another daughter of the Chevallier Bernard de Verges, married Jean Baptiste Chauvin de Lery des Islets, son of Antoine Chauvin de Lery des Islets, coast guard officer in Louisiana, and of Charlotte Faucon du Manoir.

Charlotte de Verges, last remaining daughter of the engineer-in-chief, became the wife of Gabriel Fazende, colonial secretary and commissioner under Rochemore in 1762, and an important official in Louisiana until 1776.

Having enumerated the large family of the old engineer-in-chief Bernard de Verges, let us now pass to the day that witnessed the final passing off of the Chevallier from Life's busy stage. It was on January 27, 1766, at the age of seventy-three years and seventeen days, that the venerable old engineer, who on so many previous occasions had braved the terrors of the forest and the red man's fury, died peacefully in his town house on Bienville Street, near Chartres Street, in New Orleans, surrounded by his loving wife and children. The inventory of his estate, as well as the proces verbal of a family meeting called for the purpose of naming a tutor and undertutor for his minor children, and the legal adjudication of some of his real estate, has been discovered by the writer in an old register entitled: "1739-1762-1764-1765-1766—Jn. Ba. Garic, Notary," preserved in the Notarial Archive Room of our New Court House in Royal Street. The record, which is in a very fine state of preservation, is remarkable from the fact that it gives us such a wealth of details on the life and customs of the time, as well as on the architecture and the household furnishings of a colonial gentleman's home in 1766. Taking up the various documents constituting the record in chronological order, we find that on January 27, 1766, the day of the Chevallier de Verges' death, Lafreniere, the Procureur General of the King, addressed a petition to Foucault, the Commissaire Ordonnateur and First Judge of the Superior Council, in which he represented that three days previous (or on January 24, 1766, and before the engineer's death) he had had seals affixed to all the papers and effects of the Chief Engineer de Verges, since deceased, at the request of the Sieur Amelot, the present engineer-in-chief. He further stated that, included in the papers of the deceased, then under seal, were his official papers as Chief Engineer, and that as such papers were required by his successor for the King's proper service, he demanded in the name of the King, as well as on behalf of the minor and absent heirs of Bernard de Verges, that the paternal and maternal relatives of said minor heirs, or in their absence, their friends, be notified, to assemble for the purpose of holding a family meeting before a Councillor duly appointed and designated to that effect,

to select a tutor and an undertutor for the said minor heirs, in order that the seals might be removed and an inventory of the estate taken. This request being approved at once by Foucault, on January 29, 1766, we find Joseph Maison, "huissier audiencier" (or bailiff) of the Superior Council, reporting, that at the request of Foucault and Lafreniere, he had that day duly summoned to appear on Thursday, January 30, 1766, before Louis Piot de Launay, Councillor duly appointed for this purpose, and at his official residence, in order to hold a family meeting for the minor children of the late engineer, the following persons, namely:

Monsieur de Verges, brother of the minors, infantry officer, of age, residing in New Orleans.

Monsieur Aubry, knight of St. Louis, commanding the troops in Louisiana, and Governor of the Province, residing in New Orleans.

Monsieur de Grandmaison, knight of St. Louis, ranking Major of New Orleans, residing in New Orleans.

Monsieur de la Place, Councillor Assessor of the Superior Council and substitute of the Procureur General of the King, residing in New Orleans.

Monsieur Aubert, Captain and Major Adjutant of New Orleans, residing in New Orleans.

Monsieur Amelot, knight of St. Louis, engineer-in-chief of the Province, residing in New Orleans.

Monsieur Huchet de Kernion, the younger, ancient infantry officer, residing in New Orleans.

The bailiff Maison stated that he had duly notified each and every one of the above-mentioned parties in person and had left with every one of them a written citation to appear on January 30, 1766, before de Launay in order to hold a family meeting.

On January 30, 1766, the family meeting was duly held before Councillor de Launay, all members thereof being present. After taking the required oath, they selected Marie Therese Pinau, widow of the late engineer, and mother of his minor children, Louis Joseph Auguste, Marguerite Francoise and Xavier Dagobert de Verges, as tutrix, and Bernard de Verges, eldest brother of the minors, as undertutor. The tutrix and the undertutor, who were present at the family meeting, took at once the oath prescribed, and were forthwith appointed as such.

On January 31, 1766, at 9 A. M., Lafreniere and Piot de Launay, accompanied by the new chief-engineer Amelot, by the

Major de Grandmaison, as well as by the Clerk of the Council, proceeded to the residence of the late Chevallier de Verges, where, after examining the seals and finding them intact, they started to remove said seals in order to take an inventory of the estate. But there than appeared before them Pivoteau, the jail-keeper in New Orleans, the Widow Piquery, and a Madam Testar, who at once proceeded to oppose the removal of the seals, alleging that they were creditors of the estate and that they desired to be paid at once. Pivoteau, the jailer, claimed 177 livres, 10 sols, due him on a note of the deceased; the Widow Piquery alleged she had furnished the deceased 8540 pounds of flour which had not been paid for, and that the late Chevallier also owed her 920 livres on a note. Madam Testar, in turn, wanted to be paid the sum of 1316 livres, 7 sols, 7 deniers, which she said was due her on an open account. Regardless of their opposition, the seals were nevertheless removed and the taking of the inventory proceeded with. From a trunk and a ward-robe were taken out a mass of official papers of the late engineer, which, belonging to the King, were at once handed over to Major de Grandmaison, who took charge of them in the King's name. The taking of the inventory was then adjourned to be resumed on Monday, February 3, 1766.

On February 3, 1766, the taking of the inventory was again taken up. As the enumeration of the effects of the deceased is very lengthy, we will cite only some items thereof. In this inventory it was stated that the deceased had left a parcel of real estate on Bienville Street, consisting of two and a quarter lots, measuring twenty toises (or 120 feet) front on Bienville Street, by a depth of twenty toises, where the lot narrowed to a width of five toises (or 30 feet) by a second depth of ten toises (or 60 feet). On this ground stood a house constructed of brick and frame (briquetee entre poteaux), measuring 46 feet in length by 20 feet in width. It contained an attic. There was flooring both in the attic and on the lower floor. The roof was of wooden shingles. The house had three brick chimneys, glazed sashes, doors and shutters. There was a gallery on its front. The house consisted of seven rooms, namely, a parlor, four other rooms, a dressing room and a study. In the yard there was an outbuilding measuring 30 feet in length by 17 feet in width, with an attic. This building was used as a kitchen and contained on the ground floor a large room, with a fireplace, and a small room used as a

cellar. There was also another outbuilding, made of brick and frame (briquetee entre poteaux), resting on brick foundations, containing also an attic. This building had a shingle roof, was weather-boarded, and had doors that closed with lock and key. It was floored throughout, and was used as quarters for the slaves. In the yard was a brick well, and another brick builidng in course of construction, of which only the ground floor, to a height of eight feet had been built. The grounds were fenced in with a picket fence.

In this residence was found and appraised, among other things, the following articles:

5 beds, of which 2 were of cypress and 1 of walnut.
3 cypress ward robes or armoires.
8 mattresses, mostly all covered with cottonade cloth, of which 2 were of wool, 2 of spanish moss, and 2 of horse hair and wool.
1 walnut console.
19 chairs, of which 6 were of cherry wood, with cane seats, and 3 were of walnut, with cane seats.
12 tables, of which 6 were of cypress, 3 were card tables, 1 was of walnut with carved stag legs, and 2 of cherry wood, with carved stag legs.
5 pairs of andirons.
4 coal sets, consisting of shovel and pincers.
3 rockers, of which one was covered with scarlet velvet.
2 easy arm-chairs (or bergeres), with cushions and bolsters, of which one was of leather and the other had a cane seat.
1 sedan chair (or chaise a porteur), complete with shafts and harness. gilded and glazed, and upholestered with damask cloth.
1 sedan chair frame.
8 pictures on the walls, in wooden frames.
1 mirror, measuring 12 by 18 inches, in frame, "extremely old."
2 pillows.
3 feather comforts.
4 bolsters.
4 woolen blankets.
6 mosquito bars.
2 quilts.
2 pairs of sheets.
6 embroidered cloths.
27 embroidered linen napkins.
16 plain napkins.
4 lanterns, of which 3 were of tin.
91 assorted books.
6 solid silver knives.
6 solid silver spoons for coffee.
2 solid silver cups (or timbales).
2 solid silver salt cellars.
14 table knives with horn handles.
4 table knives with imitation silver handles.
92 chinaware plates.
34 earthenware dishes.
120 drinking glasses.
3 copper candlesticks.
12 porcelain plates.
2 teapots.
1 mustard pot.

9 goblets.
6 crystal salt cellars.
2 crystal oil cruets.
291 empty bottles.
12 cups and saucers.
1 sugar bowl.
13 empty glass jars.
19 empty flagons.
1 soup dish.
1 porcelain bowl.
3 large jars.
1 card box.
14 kettles.
6 cooking pots.
1 pepper grinding mill.
2 copper kettles.
2 yellow copper fish kettles.
1 copper frying pan.
1 red copper brazier.
2 tart pans with cover.
1 tin coffee pot.
3 composition coffee pots.
1 chinaware water cooler.
1 small bath tub.
1 chain for prisoners.
2 buckets.
3 porcelain jars.
1 boiler.
1 marble mortar.
2 meat choppers.
1 roast spit.
1 iron pot.
1 frying pan.
2 hatchets.
6 hammers.
1 rolling pin.
7 chisels.
3 axes.
1 tin speaking trumpet.
1 large iron spoon.
4 iron hinges.
40 lbs. of scrap iron.
12 lbs. of nails.

Even the clothes of the late Chevallier Bernard de Verges were carefully enumerated by the appraisers. They found the following:

1 suit of grey cloth.
1 vest of red brocade with silver flowers.
1 vest of blue ratine, lined with red serge.
1 pair of trousers of blue ratine, lined with red serge.
1 scarlet vest, with buttons.
1 grey linen vest.
1 court dress.
8 pairs of thread hose.
4 pairs of silk hose.
1 pair of woolen hose.
1 pair of grey linen trousers.
1 pair of cottonade trousers.
12 pocket handkerchiefs.
17 shirts, both plain and embroidered.
5 cotton caps.

The appraisers also found and enumerated the following papers and titles, namely:

A note for 520 livres, dated April 13, 1748, drawn to the order of Mr. de Ville-Goutin, and endorsed to order of deceased.

A receipt from Mr. Lebreton, dated December 2, 1747, given to the deceased for payment of land acquired by him from Mr. Lebreton.

A note for 900 livres, drawn by Mr. du Breuil de Villars to the order of the deceased, and dated October 10, 1764.

A proces verbal of the affixing of seals on the effects of Madam Widow Pinau (mother-in-law of the deceased Chevallier), dated September 13, 1739.

The following slaves were found in the town house of the deceased:

Julie, washerwoman, aged 28 to 30 years.

Marie Jeanne, aged 25 years.

The total appraised value of the contents of the city residence of the late Bernard de Verges (exclusive of the silverware) was 2073 livres, 25 sols. The two slaves were appraised at 3800 livres. The notes owned by the deceased amounted to 1420 livres. The real estate was not appraised. The total value of the estate in New Orleans (exclusive of the real estate and the silverware) amounted to 7293 livres, 25 sols. The inventory of the city property was completed on February 3, 1766.

Then an inventory was taken on February 17, 1766, at 10 A. M., by the Councillor Piot de Launay, of the plantation belonging to the deceased, known as "Trianon," one league above New Orleans, on the other side of the Mississippi River. De Launay, the Clerk of the Council, and Maison, expert, left New Orleans at 7 A. M. on February 17, 1766, and reached the plantation at 10 A. M. The Widow de Verges, being unwell, could not be present, but her son, Bernard de Verges, attended the taking of the inventory at that place. This inventory, which enumerated minutely the contents of the plantation home, including the inevitable empty bottles (180 in number on the plantation) of that apparently bon vivant Bernard de Verges, placed the value of the contents of the plantation home at 2325 livres, exclusive of the slaves, live stock, rolling stock and farm implements. We find mentioned in that inventory such items as 2 old muskets, 40 indigo cases, chairs, beds, wardrobes, etc., etc. On the said plantation were found 8 slaves, appraised at 13,100 livres. The rolling

stock and the live stock, consisting of 4 oxen, 6 cows, calves, 2 young bulls, 2 heifers, 11 sheep, 8 lambs, 1 ram, etc., was appraised at 1940 livres. The total inventoried value of the contents of the plantation, including slaves, rolling stock, live stock and farm implements, but not including the land or the buildings, amounted to the sum of 17,365 livres.

This Trianon Plantation was described as having seventeen and a half arpents front on the Mississippi River, by the ordinary depth, of which two arpents and twenty five toises had been acquired from the Sieur du Manoir. The Widow de Verges declared, through her representative, that five arpents of this plantation belonged to the Sieur de la Place, which five arpents began at the plantation of Madam du Breuil.

On this plantation was a house 50 feet long, with eleven rooms, large and small, with front and rear galleries, and windows and doors closing with lock and key. It had glazed window sashes and double brick chimneys. There was a glazed door in the parlor. It had an attic, was floored throughout and was covered with a shingle roof. The outbuildings consisted of a kitchen 28 feet long, another building of brick and frame (briquetee entre poteaux) with double brick chimney, also a shed, a store house surrounded by a picket fence, another building 11 feet square, covered with shingles and with locking door and windows, still another building measuring 26 feet by 12 feet, made of pickets and used as a chicken house, a pigeon house, and 8 negro cabins of which 5 were roofed with palmetto leaves. The inventory stated that the Sieur de la Place owned also one-third of all the real estate left by the deceased in New Orleans, having purchased same from him and his wife by act before Broutin, notary, dated July 6, 1762, for the sum of 1252 livres, 2 sols.

The Chevallier de Verges' total appraised personal property in his town house and on his plantation amounted in value to the sum of 24,658 livres, 2 sols. He also had a two-thirds interest in the Bienville property where he died, and also a two-thirds interest in another residence in New Orleans, located on Chartres Street, next to his home on Bienville Street, and which sold in 1767 for 5500 livres. He also owned his plantation, less 5 arpents that belonged to his associate, the Sieur de la Place. But his debts were considerable, and his widow declared under oath the following as due by the community that existed between her and the late Chevallier, namely:

To Madam Piquery, baker, 8542 lbs. of flour, and for the baking of same into bread.....	Livres	240
To the Sieur Mousanto, for merchandise.....		2000
To Madam Testar.....		950.10
To the Sieur Deplessy, merchant.....		343.10
To the Sieur Laurent Bailleur.....		600
To the Sieur Maxent (amount undetermined as account had not yet been rendered).....		
To Pivoteau, jailer.....		77.10
To the Sieur St. Pe.....		87.10
To Miss Maret, artisan.....		175
To Fleury and Bonqui, butchers.....		600
To the Sieur Filou.....		122.10
To the Sieur Jean, overseer of plantation, for wages		400
To the Sieur Braquier, merchant.....		5000
To the Succession of Lenormant.....		1300
To the Sieur Roussillon.....		1080
To the Sieur Tessonoux.....		2050
To the Sieur Laclede.....		3400
	Livres	18426.10
Less amount due to his estate, with interest at 5%		1800
Net amount due.....Livres		16626.10

The pay he received at the time of his death as chief engineer amounted to about 3985 livres per annum, as his widow acknowledged in the settlement of his estate, having received his wages as chief engineer for 24 days, from January 1, 1766, to January 24, 1766, amounting to 262 livres, or at the rate of 10 livres, 9 sols and a few deniers per day. Evidently there had been serious retrenchments made in the salaries of government officials in Louisiana in 1766, for while Bernard de Verges' wages as chief engineer in 1766 were at the rate of about 3985 livres per annum, Adrien de Pauger, the chief engineer of the colony in 1726, received at that time a salary of 8000 livres, or more than double the emoluments of de Verges in 1766. Again in 1726 an engineer in Louisiana was paid 5000 livres per year, and an assistant engineer received 2400 livres.

The Chevallier Bernard de Verges evidently died in straitened circumstances, as on March 13, 1767, we find his widow addressing a petition to Foucault, in which she alleges that she is widow in community of the late engineer and tutrix of his minor children, and that as such she had been ordered by the Superior Council, in August 1766, to pay a rather considerable amount of

money due by the community to the creditors of the estate. She represents that since that time she has vainly tried to find the means of paying off this indebtedness, but that as the assets of the said community consist of a plantation and some negro slaves, the revenue from which is barely sufficient for the upkeep of herself and family, she has not deemed it wise to dispose of the slaves, hoping that through their labor she might eventually find the means of paying off those community debts; but she adds, that being threatened with executory process, and being unable to delay longer, she has no other recourse but to obtain permission of selling two lots in New Orleans belonging to the community, in which lots, however, the Sieur de la Place, her late husband's associate, has a one-fourth interest, the value of which undivided one-fourth interest can be determined only by an actual sale of the property. She states that on those two lots is a brick house that is going to ruin, and whch she is unable to repair from lack of the necessary means. This petition being referred to Lafreniere, the Procureur General, he ordered, on March 17, 1767, that two expert brick-layers (or masons) be summoned to examine the said brick building and report in writing on its exact condition. This examination was duly made, as ordered, by Lioteau and Langlois, brick-layers.

On March 23, 1767, Piot de Launay offered at public auction, at 9 A. M., in the Clerk's office, the said property. This sale had previously been duly advertised by the bailiff or clerk, Maison, who had affixed notices to that effect in the proper places, and had also been announced, by sound of trumpet, in all the streets and cross roads of the town. The terms provided payment in six months from the date of the sale, the cost of the sale to be assumed by the purchaser, and sufficient security given by him for payment of the purchase price. The real estate business must have been very dull in New Orleans in 1766, as de Launay waited for a bid until noon, and getting none, adjourned the sale to March 30, 1766.

On this date, after the same formalities and announcement of the sale by sound of trumpet at the entrance of the parish church, after high mass, as the people emerged therefrom in crowds, another attempt was made by de Launay to sell the property. This time he received some bids, but the highest being only 3000 livres, and below the inventoried value, the sale was again postponed to April 6th. Finally on April 6, 1767,

the property was adjudicated to the Sieur Mousanto, a merchant of New Orleans, for 5500 livres, which he duly paid on May 9, 1769, to the widow de Verges.

The death of Bernard de Verges proved conclusively the fact that the Chevallier had lived, as a gentleman of his high estate should have lived, honestly and conscientiously, with only one thought forever in mind, and that was to serve his King to the utmost limits of his power. Though for forty-six years he virtually had charge, as engineer, of almost every public work done in Louisiana, we are possessed of the proof that he died comparatively poor and did not seek to enrich himself, as he had the opportunity to do and as many in his position undoubtedly would have done, at the expense of his country. His remains lie somewhere beneath the sod of Louisiana that he served so faithfully and well and the exact spot of his last resting place in New Orleans is unknown to the present generation. But were it ever discovered, well might Posterity erect a monument thereon to his memory and inscribe on its granite front: "Here lies Bernard de Verges, knight of St. Louis and greatest colonial engineer of Louisiana, who died, as he had lived, a "chevalier sans peur et sans reproche."

THE NEW ORLEANS BI-CENTENNIAL MEDALLION*

AN EXPLANATORY SKETCH

By Andre Lafargue

The bronze medallion which I have the great honor of presenting to the Louisiana Historical Society was struck by the French Government to commemorate the 200th anniversary of the founding of New Orleans by Jean Baptiste Lemoyne de Bienville and his companions in 1718. Small reproductions of this very beautiful and highly artistic medallion were presented to each of the four members of the delegation which New Orleans sent to Paris to attend the ceremonies incident to the celebration of the historic anniversary and to a few of the leading members of the committee appointed by the mayoralty of this city to map out a program of festivities for the proper observance in our city of its 200th birthday.

The medallion is considered by those who are able to express themselves on the subject with authority, as being a beautiful specimen of the engraver's art. In conception and design it does the greatest honor to the engraver.

As chairman of the New Orleans delegation sent to Paris I had the design fully explained to me by the engraver himself, Mr. Abel La Fleur, who stands in the foremost ranks of present day French engravers.

The obverse or face of the medal shows France helmeted and wearing a coat of mail. She is clad in a gracefully draped flowing robe of classic design. Her helmet is crested with a white plume and entwined with a laurel wreath. Her face is hopefully and determinedly set toward a low-lying, brush-covered, swampy and muddy river embankment, the site of the future metropolis of the South. With her left hand she points to the spot where she proposes to establish the new city across the river. Her right hand has been trustingly grasped by an Indian, the aboriginal inhabitant of the region. The eyes of the Indian are wonderingly cast in the direction shown by France. He is in a sitting position and on his lap has been placed an unfolded map of the future city. The plan very distinctly shows the "Vieux

*A paper read before the Louisiana Historical Society by Andre Lafargue, Chairman of the Delegation sent to Paris by the City of New Orleans in connection with the 200th anniversary celebration of the founding of that city. The paper was read at the presentation of the medallion on April 25th, 1922, at the monthly meeting of the Society.

Carre" in which this very building, the "Cabildo," stands today. The Indian's weapon, a bow, is resting against his breast and his arrows are carried on his back. At his feet can be seen an alligator and the scrubby palmettos which we still find today in the swampy regions of Louisiana.

In the distance, across the river, behind the tree-covered spot where the future Crescent City is to be built, a huge sun, casting myriad rays of light, is seen slowly emerging from the horizon. It is the sun of French glory and achievement, of civilization and Christianity. A shield bearing the three royal fleurs de lys, at the foot of the robed figure, is emblematical of the royal regime of France at the time New Orleans was founded.

The entire design is most beautifully set off by an oak tree from whose upper limbs Spanish moss gracefully depends. The minutest details are brought out in exquisite fashion and are each and every one of them emblematical and truly representative of the event which they are meant to commemorate. France wears a semi-military accoutrement to show that she realizes the task of colonization that she has set herself will be fraught with peril and can only be achieved through hardships, fighting and conquest. She has come prepared for the fray, and so she tells the Indian. She has the undaunted and fearless expression so characteristic of her great and valiant sons who founded, built and defended the early settlement that later developed into the great city in which we live today. The whole picture most beautifully and inspiringly carries out the theme.

The reverse of the medallion shows the Cathedral as it stands today, flanked by the Cabildo and the Presbytery. A portion of Jackson Square can be seen, as well as the St. Ann Street side of the Pontalba Buildings. There are eighteen stars spread out in a graceful cluster in the center of the medal, emblematical of the flag of the United States and showing that Louisiana was the eighteenth state admitted in the Union. Buffalo heads symbolize the American continent. Bales of cotton and merchandise, barrels of sugar, an anchor and a caduceus, Mercury's rod, are representative of the commercial and maritime activities of our great port. Corn, rice and variegated fruit show our agricultural prosperity. On graceful scrolls appear the names of La Salle, who first descended the lower Mississippi to its mouth and found its outlet into the Gulf; of Iberville, who headed the expedition that founded Biloxi and Mobile and from which came

Bienville and his companions who subsequently founded New Orleans, and last, but not least, the name of Pauger, the engineer who laid the plans of our city and had them carried out under his personal supervision up to the time of his death. He died at his task, a victim of yellow fever, and was buried on the site on which now stands the Cathedral. The escutcheons of the royal houses of France and Spain topped by a kingly crown adorn the lower part of the reverse of the medal. An inscription bearing the following words: "Paris celebrates the founding of New Orleans, October 25th, 1917—The State of Louisiana," appears on the same side of the medallion, as also the words "France decides upon the founding of New Orleans 1717-1917," written on the circular rim of the medal. This latter inscription refers to the event that was being commemorated in Paris in October, 1917, the 200th anniversary of the issuance of the decree authorizing and ordering Bienville to found the city of New Orleans. It was left to us to celebrate in 1918 the actual founding of the city.

WEST FELICIANA.

A Glimpse of its History.

By Louise Butler.

If it be true that variety is the spice of life, then the story of West Feliciana should lend piquancy to history, which is recorded life, as this parish changed governments many times and was Spanish; French; English; Spanish again; then, as part of West Florida, independent when that plucky little state revolted and had a constitution and a governor all its own; taken possession of by the United States; joined subsequently to the State of Louisiana and, finally, divided from East Feliciana when it assumed its present dimensions and full name.

As its early history was nebulous, we will give only those names which emerge from that nebulosity.

In 1513, Ponce de Leon, seeking rejuvenescence in the fabled fountain (forgetting that eternal youth is an attribute of the soul only), was the first European to reach and name that land of floral wonders, of which West Feliciana formed a part.

The first men of the white race who actually beheld it were the followers of de Soto, in 1542. Possibly de Soto himself, as he lay dying in his camp at the mouth of the Red River, turned his weary eyes to where the bluffs of the present West Feliciana rose above the majestic stream (the Mississippi) where he was soon to find midnight sepulture, which he had discovered and named El Rio Grande de la Florida and claimed with all its adjoining territory for his King, Carlos I, of Spain.

De Soto had appointed as his successor, Luis de Moscoso de Alvarado. He, with his followers terribly reduced in number, tried to reach Mexico by land, but was prevented by the Indians. They returned to the mouth of the Red River and spent the winter there, constructing vessels to make the voyage by water. The Indians, aware of their designs, were as busy, so when Moscoso finally set sail, he was pursued and overtaken the second day by the Indian Fleet "consisting of one thousand pirogues, canoes or rafts of various size, the largest containing eighty men and having four oars on each side. Each pirogue was painted in and outside with blue, red, yellow or white, the oars and feathers, bows and arrows of the warriors in each pirogue, were of the same color with it. The oars were plied in measure and cadence, the rowers singing to mark the time."

So Garcillasso tells us, and even allowing for his well known heavy embroidery of facts, the flotilla, as it filed past West Feliciana, must have been as truly imposing as it was disastrous to the Spaniards, nearly all of whom were wounded before thev escaped to the gulf.

By right of discovery, Spain claimed all of what is now the United States, but the powerless upholder of these Spanish claims lay in his unresting resting place for one hundred and forty years ere another European passed, literally passed, that way. This was the Canadian explorer, René Robert Cavellier, Sieur de la Salle, who claimed the same river and the same territory for *his* king, Louis XIV of France, in whose honor he named the country "Louisiana."

La Salle's companion, the brave Chevalier de Tonti, he of the iron hand, was perhaps the very first white man to set foot on the soil of West Feliciana. He stayed for some time with the Houma (Huma, Uma, meaning Red Men) Indians, a Choctaw tribe, who had a large village just opposite the mouth of Red River, consisting, says the Bureau of American Ethnology, of 140 cabins and 350 families. Their land extended from some leagues above our present boundary line to where a red stick (French, Baton Rouge) separated their holdings from the hunting ground of the Bayagoula, whose village was opposite Manshac.

The only other tribe here was the Tunica, or Tonika (The People) located in the hills of that name around Lake Killarney. They had also a large settlement in Tunica County in Mississippi and one on the Yazoo, but these soon became merged. The tribe was always friendly to the French, and Bienville often landed at Tunica Bayou on his way to quell the fierce Natchez tribe that warred for long years against the usurpers, for such they were. In the Tunica hills, Loubois, bent on the same errand, held a rendezvous with his troops. It was this tribe that ambushed Major Loftus at Davion's Rock, now Fort Adams, and turned him back in spite of his 400 troops.

The Tunica were at enmity with the Chickasaw, and, in 1706, were forced to take refuge with the Houma, then treacherously rose against their hosts and nearly exterminated them. The Houma left the parish and settled near New Orleans and the site of the present town of Houma. By one of those injustices of which history furnishes many examples, of the name Houma, not an echo remains in the parish, while that of the betraying Tunica

is perpetuated in hill and stream and town. Halbert says in 1817 the entire Tunica tribe emigrated to Louisiana, one section living at Marksville Prairie and another near Lake Charles City, but an eye witness told the writer of their being in West Feliciana at late as 1850. In the '20s several of Mrs. Audubon's pupils rode through an Indian camp on their way to school at the Garrett Johnson place, and about 1830 there took place a tragedy up to date in its triangularity, when a squaw belle, Jinny, stole the heart of Milly's brave, whereupon Milly arose and slew Jinny. The assembled warriors held a grand powwow and, the unwritten law not being promulgated, Milly was condemned to execution. Mr. Sterling, on whose place the camp was situated, bought her from the chief for $15.00. She lived, but ostracized by her own people, and was a folorn seller of chickens and eggs and an inveterate beggar up to the time of her death in 1850.

Among the Tunica hills Father Davion lived and preached nearly two and a quarter centuries ago. The Indians were devoted to him, so when he, intolerant of their pagan but persistent worship of their own rude idols, destroyed these and their temple, the Tunica contented themselves with expelling him, when he established himself on the site of Fort Adams, thus called La Roche à Davion. Here he built a small chapel, and here he died, praying at the foot of the cross he had erected.

He and "other missionaries of the church had come far in advance of the pickaxe of the settler"[1] to "Louisiana, which was under the spiritual jurisdiction of the Bishop of Quebec and the country on both sides of the Mississippi from Natchez to the sea, was entrusted to the Capuchin Friars Minor of the province of Champagne, France. By the treaty of Fontainebleau, 1762, Louisiana passed under the jurisdiction of the Bishop of Santiago de Cuba, and about 1773 the Spanish Capuchins supplanted their French brethren. These Capuchins acquired a personal grant from the King of Spain, of a tract of land which was partly the old Catholic cemetery and partly Episcopalian property (1775 to 1789). They built a monastery that was burned later and the monks left the town, but it still retained the name of St. Francisville, given by the early French settlers, from the founder of the Franciscan Order (1211). Here the dead, brought from Pointe Coupee or Feliciana, were buried. In 1840 Catholic services were held in Bayou Sara on the upper floor of the old market

[1]From Gayarre.

house and, after this was burned by the Yankees, in private houses or the Court House until 1870-1871 when the present church, Our Lady of Mount Carmel, was built."[2] This is admirably situated on the high promontory overlooking town and stream of Bayou Sara and a magnificent expanse of river scenery.

But to return. In 1699 Iberville and Bienville ascended the Mississippi, passed and named Baton Rouge and, eighteen leagues above, made the first cut through a narrow neck of land where the river afterwards ran, thereby giving not only the name to Pointe Coupee but a generous slice of West Feliciana land as well, which had she retained, might have prevented her being called the smallest of the Florida Parishes. On his return the next year, Iberville gave the Houma some apple and cotton seed, so West Feliciana, a large producer of cotton, was among the first to plant that staple.

The earliest mention of white population was in 1712-1713 when "a few French stragglers settled among the Tunica, Yazoo and Natchez."[3]

In 1712 Louis XIV farmed out Louisiana to Crozat for a period of 15 years. Five years later Crozat surrendered the charter to the notorious John Law, when many colonists came from France. To these large grants of land were made, among them one to "St. Reine in the Tunicas,"[4] which must have meant the Tunica settlement of West Feliciana for, in 1721, Father Charlevoix mentions it as being between Natchez and New Orleans, whither he was voyaging.

For nearly half a century West Feliciana slumbered on, guarded by the ruins of Fort Rosalie, until the Treaty of Paris (1763) gave her to England, when the fort was repaired and christened Fort Panmure and Florida was divided into East and West with Pensacola as the capital of the latter, but settlers were scarce until the Revolutionary war when "a large number of practical pioneers came to cultivate the soil, bringing with them an abundance of capital as well as a full measure of energy and intelligence. The Florida Parishes received this important emigration and by 1778 the increase was such as to warrant their being set off from the district of Mobile. The Western section was erected into Manshac and Natchez and contained,

[2]Father Rombouts.
[3]Fortier.
[4]Ibid.

says Peter Chester, third English Governor of West Florida, a greater number of respectable wealthy planters than either of the other districts in the colony."[5] Also at that time "a number of families who had emigrated from the banks of the Roanoke in North Carolina settled above Baton Rouge in what afterwards became the district of Feliciana, "'an English possession, and they came here because most of them were British in sentiment and out of sympathy with the lusty young Republic."

Then in 1779 Spain declared war against Great Britain, and Galvez, in his brilliant campaign, took in rapid succession the British forts, Bute and Baton Rouge, while Colonel de Grandpré captured two British outposts, one on Thompson's Creek and another on the Amite River. Galvez had stipulated that Fort Panmure should be included in the surrender, so West Feliciana. nearly equi-distant between that fort and Baton Rouge, became a colony of Spain and under the Spanish governors, especially Miro and Carondelet, who offered unusual advantages, exemption from duty, etc., her population rapidly increased from that time, in spite of varying administrations, until 1853, when she reached, perhaps, her acme of prosperity."[7] The New Orleans *Delta* quoted from the St. Francisville *Chronicle* of that date some statistical figures taken from the tax rolls of the parish of West Feliciana, as follows:

No. of free whites	2,231
No. of free blacks	70
No. of slaves	10,298
No. of males, 18 to 45	523
No. hogsheads of sugar	2,873
No. barrels of molasses	4,318
No. bushels of corn	334,000
No. bales of cotton	23,860[8]

(Estimating that cotton averaged $70.00 per bale, one crop, as labor was free, netted the parish $1,670,200. Owing to the ravages of the boll weevil, the crop for 1921 was about 400 bales, which tells its own tale.)

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[5]Fortier.
[6]*Ibid.*
[7]*Ibid.*
[8]*Ibid.*

Value of real estate.....$2,879,545
No. of qualified voters..... 560
No. of persons having trades of professions.. 55[9]

whereby it will be seen that we were a race of gentlemen, if not idle rich. However the *Delta* was kind enough to add that West Feliciana was one of the great parishes of the state, that the people were thrifty, intelligent and deserved success.

But to return to our mutton. West Feliciana from Bayou Sara north was part of the very beautiful Natchez District "lying along the Mississippi River which formed one of the most important military and civil districts of the province of Louisiana."[10]

Possibly a description of the river and district by an eye witness may be of interest. These extracts were taken from a diary written by Lieutenant, afterwards Captain, Richard Butler, a youth of 21, who left Pittsburg April 11, 1798, with important dispatches from General Wilkinson to Captain Guion at Natchez. The trip was made by barge and pirogue to Natchez and back to Fort Massac by June 16, a distance of 3,000 miles, which was record speed in those days.

He gives rather an emphatic account of the voyage, says on leaving the Ohio, "The Mississippi, I believe, is the last river God Almighty made, the bottom all quicksand, the water something the color and thickness of lime and water when mixed for whitewashing . . . The country affords no spring, it is a rare thing to see for miles (this side of the bluffs), indeed I may say for hundreds, a spot of ground on either side that does not overflow, from 20 to 50 miles more or less, though seldom less. The river is extremely dangerous owing to millions of sawyers, alias old trees, fast in the bottom."

He found it hard to guide his pirogue through these; especially in the frequent rough weather he encountered, which surfaced the river with white caps. Often what he called "The hell of a storm" came up, his clothing and bedding were soaked, there was no landing place and nowhere to obtain shelter. Once a sawyer ripped a hole in the bottom of his boat, his sail blew away, his crew was (*he* says) "damned drunk" and useless, so he had to bail with one hand and pull himself to shore by half submerged trees with the other. Do you blame him when he

[9]Fortier.
[10]Fortier.

says "and here I cursed for half an hour"? In justice to him it must be said that long before his premature death his profanity had yielded to a piety as sincere and his last words were, "Thank God, I die an honest man!"

His diary gives a colorful picture of the scenery, the forts, the Indians, the Spaniards singing while they rowed their pirogues laden with peltry, the large Orleans boats, his visit to Natchez and the people. He writes: "Arrived at Natchez about sunset. Delivered my despatches to Capt. Guion. During my stay I rode through the country . . . fell in with some gentlemen who were going to visit a number of their acquaintances in the country. The party gave me a polite and pressing invitation to accompany them. I plead to get off, but they insisted, had a horse brought me and I went with them and I was never more agreeably disappointed in a town. To my utter astonishment I found a number of exceedingly genteel people. We were three days riding from house to house. *Never* was I more agreeably disappointed. I had no conception there were so many genteel families in that country. I think I saw as many handsome and accomplished women as I ever saw in my life." (He was fresh from social Philadelphia.) "I visited eleven different families during my stay. I was much astonished to see the style (truly elegant) they lived in. They are in fact all rich. Some of them own as many as two or three hundred slaves and elegant farm stock innumerable, and so near New Orleans, which is a fine market for their produce. It is a great advantage, from which they procure all the luxuries a seaport affords. This is a highly cultivated country, cotton, rice, cornfields in full bloom and the fields full of negroes working them."

The above was a fair statement of conditions in West Feliciana also. Some Natchez people moved to West Feliciana, some married Felicianians. Owners of plantations near Natchez, on the Homochitto, in lower Louisiana on the Terrebonne and Lafourche whence their principal revenue was derived, often possessors of extensive grants in Texas as well, it was not unusual to find a gentlemen accredited with being born on three or four places and reared on three or four more, like Audubon's famous Wild Turkey, said to have been painted on at least twenty-seven different plantations, each claiming the glory, though the Sleepy Hollow place belonging to the Percys was the real setting of the picture.

The settlers on these places had come by sea and river from the North, by pack mule or horse through the Indian Nation from Virginia, Georgia and the Carolinas, bearing names familiar to us today through their descendants, McCaleb, Percy, Ratliffe, Barrow, Turnbull, Alston, Smith, Johnson, Towles, Mulford, Bedford, Rucker, Haile, Hamilton, Sterling, Flower, Maghoon, Stewart, Pirrie, Mulholland, etc. Many now are registered only in stone, and their owners lie in the ofttimes neglected graveyards of their former plantations, their only guardian Nature, who never forgets while apparently she destroys, their only requiem the grieving wind that sighs in dark pine and cedar branches or whispers low in the long grasses of the Gloria Mundi that has passed

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The two principal towns in West Feliciana were St. Francisville and Bayou Sara. The latter, built on a batture and now nearly destroyed by successive overflows, was called Sara for an old woman who dwelt on the banks of the creek or bayou then named Clay's Bayou and changed to Sara in her honor. Just so an occasional member of the (formerly) submerged sex, by some occult method, stamped her name on the predominating masculinity of historic records. Bayou Sara was a large, perhaps the largest, shipping point between Natchez and New Orleans. It lies at the foot of the hill where St. Francisville, the parish seat, is perched. The latter is much the older town, one of the first settled, and was considered so important that it was proposed to establish there the capital of the state. During the Spanish occupation it was called New Valencia, but reverted to its former name, though some of its streets bear witness to Spain's ownership, as—Florida, Prince, Royal, Ferdinand, Feliciana. It was built on the crest of a mile-long ridge overlooking creek and river part of its length, and sloping on either side to valleys heavily wooded and traversed by vari-pebbled streams.

Its principal street ends in a road, almost as straight as the bird flies, to Woodville and from there to Natchez, a branch leading to Pinckneyville and Fort Adams. These roads followed old Indian trails and soon became regular post roads. The Rosebank house with its purely Spanish architecture, brick-paved lower floor, huge pillars and iron-railed gallery, was an inn during "Ye olden days," and many a jovial fellow sipped, or rather, more than sipped, the golden wine of Spain served by Mine Host,

often to such an extent that the journey onward had to be postponed. In fact, an old letter reads:

"Richard is having one of his noisy parties at the Inn with some of his wild companions, so I will not get him to Natchez for several days, I fear."[11]

Evidently in that remote, unprohibitioned era, it took some time for "Richard to be himself again."

The road near which the old Inn stood (it still stands, a lovely home, breathing of peace in its acres of daffodils), wound through the Tunica hills and stagecoaches and private coaches, as well, were often held up by bandits, regulation highwaymen, armed with cutlass, pistol and gun that shot none the less straight for being a pinfire. The long-disputed boundary line between latitude 31° and 32° left a sort of no-man's-land inhabited by these gentry. Many an old negro teamster, sent from the inland plantations with money to buy produce of all kinds from the flatboats tied up at Bayou Sara, would be made to stand and deliver, and would return home with chattering teeth, empty pockets and wagon after an encounter with them.

The flatboatmen were scarcely less fear-inspiring, and were in a class to themselves. Their mental calibre may be inferred from the following letter dictated by one:

"Dear Dad: This are for to let you know that corn are low and brother Billy are dead also,"[12] proving him to be more of a poet and less of a pirate than one of their heroes, Mike Fink, "Who was captain of his boat and master of his men, and who thus describes himself:

" 'I can outrun, out hop, thrown down, drag out and lick any man in the country. I'm a Salt-river roarer, I am; I love the wimming and I'm chock full of fight'."[13]

It was out of the lawlessness of the afore-mentioned brigands, the unsettled state of the country and the mixed sentiments of the population, that the West Florida Revolution grew. In 1800 Louisiana was restored to France by the Treaty of San Ildefonso. In 1803 Napoleon sold her to the United States for less than a twentieth of what some of our millionaires now possess. Was West Florida included in either of these transactions? *I do not know.* For some years she was in the position of Mahomet's coffin, being claimed by England and the United States while

[11]Private letter.
[12]Private letter.
[13]Fortier.

ruled by Spain. Carlos de Grandpré was governor at Baton Rouge until he was ordered to Havana, when Carlos de Haulte de Lassus was made the highest authority in West Feliciana. The inhabitants were divided in sentiment, some favoring England, some Spain, the United States, and apprehensive of France, or, rather, Napoleon, but all united in the desire to suppress the banditti that depredated on both sides of the boundary line. As their appeals to those in authority were ignored, they took the law in their own hands, and on July 1st, 1810, five hundred of the inhabitants met at the Sterling place and "John Mills, John Rhea, William Barrow and John K. Johnson were chosen as representatives of the District of New Feliciana."

These, with representatives from all the Florida Parishes, met again at Buhler's Plains July 17th, sent a committee to the governor asking for aid and obtaining a promise to enforce law and order. Finding that, instead of coöperating with them, Governor de Lassus was writing to Governor Vicente Folch at Pensacola for troops to repress a rebellion, they really did rebel. Col. Philemon Thomas, a high minded patriot, was in command of the militia, and messengers were sent to Robert Percy near Bayou Sara and Daniel Raynor of St. Helena to muster all available forces. They marched to Baton Rouge; captured the fort and Colonel de Lassus; declared themselves free and independent; adopted a constitution; elected a governor, Fulwar Skipwith; raised a flag of azure silk with a central silver star, and awaited results. On December 7th, Governor Claiborne, acting under orders from President Madison, marched to St. Francisville, took possession for the United States and raised the Stars and Stripes over what he called the District of Feliciana. As the majority of the people had long wished to be thus taken over, they acquiesced without a murmur, and the month-old state of West Florida became a part of Louisiana *de jure* but not *de facto* until 1819. Not until 1824 was Feliciana divided into East and West, the line of demarcation being Thompson's Creek, or Rio Feliciana, the Mississippi forming the entire Southern and Western boundary, while latitude 31° was her, at last, stable Northern limit.

So, through San Feliciana, Nueva Feliciana and Feliciana, West Feliciana came into her own, with a name all of whose changes ring joy bells. Literally, and most correctly, she was called by her Spanish owners "Realm of Happiness."

From among her distinguished sons West Feliciana has given two governors, Isaac Johnson and Robert C. Wyckliffe, to her

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own state, while to New Mexico she sent the Hon. George Curry as governor and afterwards a member of Congress. One of her most charming daughters married another governor of Louisiana, Murphy J. Foster, "the man from St. Mary." The present incumbent (Parker), while he does not live here, has a transient home and model stock farm in her heavily grassed and well watered hills.

She has sent as representatives to Congress:

Thomas Butler	15 - 16	(Congress)[14]
Philemon Thomas	22 - 23	"
Eleazar Ripley	24 - 25	"
John P. Dawson	27 - 28	"
J. P. Newsham (Republican)		
Robert C. Wyckliffe	61	"

This last was the son of Governor Wyckliffe, more brilliant, of broader mind and tenderer sympathies, too soon lost to the state that needed him.

George Mathews "was first judge of the Louisiana Supreme Court. His father was governor of Georgia, whose family came from Virginia. He practiced law in the Mississippi Territory before Jefferson gave him the appointment. A year later he was transferred to the Superior Court of New Orleans, and when the state government was organized he became Chief Justice of the Supreme Court and held office until he died. When he first took his seat upon the bench, he had no knowledge of civil law and no experience with the complicated system of French and common law in use in the Territory, but his opinions were so well formed that they have been handed down in the Louisiana system of jurisprudence."[15]

From the list of celebrities it would not do to omit Uncle Flying Charlie, as Mr. McDermott was affectionately called by the ring of young ladies he would gather around him to sew on the wings of his flying machine. When the wings were completed, the young ladies were rewarded with such refreshments as a hospitable Irish gentleman knew how to provide. He would lie on the ground for hours watching the birds in their flight, and never lose hope in spite of many costly failures in silk and whalebone, though it was eighty long years before his faith was justified.

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[14]These numbers refer to the Session of Congress and not to the year.
[15]Fortier.

Nor can we leave out the old gentleman suffering from "Byronomania," who called his cook "Burning Sapho," because "Damn me, Sir, everything was scorched, and there were *'Isles of Grease'* all over the kitchen!"

It is difficult to obtain early French records, the oldest of all, because the court house was burned and much valuable material lost. The papers rescued were taken to Clinton and Pointe Coupee. Then, too, the French quite generally left when the English took possession, just as the Spaniards left when the parish, included in the state of Louisiana, became part of the United States, so that of the former occupancy, a few houses like the Chatenay house, three stories high and large in proportion, and the old, old unmistakably French cottage (belonging to Major General O. D. Brooks) with large dormer window flush with the brick facade, and a name here and there remain to us, as—Le Bret, Lavergne, Le Sassier—while of the Spanish lords of the soil, all that reminds us of their once-presence, besides the Inn before mentioned, is a dilapidated, plain, unventilated brick building or two in the town, and the nomenclature of the streets, and only memory recalls a lone Carmena or Lopez or Antonio Nolasco or Mariano de Cubi y—something too long to write.

The many changes of government and land ownership gave a world of work to the horde of lawyers that poured into the parish to settle land claims that had been granted and re-granted so often that it was difficult to establish a title. An abbreviated copy of one of the Spanish grants, of which there were many, relates how "Don Carlos Trudau Agrimensor Real y particular de la Provincia de la Liusiana," etc., gave a "Certifico" of the sale to Juan Allen of "Uno terrano de quatrocientos arpanes de tierra quadro situado en el Distrito de la Nueva Feliciana al cite del Bayou Alexandro lindando por todas partes con tierras Vacantes," dated "De dicy y siete de Diciembre de Mil seteciento noventa y cinco," and signed "El Baron de Carondelet."

This deed was recorded in the Court House in St. Helena, as at that time there was no court house here and records were kept and court held, in St. Helena, and translated is as follows:[16]

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[16]Don Carlos Trudau Surveyor Royal and special (or personal) of the Province of Louisiana gave a certificate of the sale to John Allen of a piece of land (or ground) of four hundred square arpents situated in the District of New Feliciana by Alexander's Bayou, limited on all sides by vacant lands.

Dated 17th of December, 1795.

Signed The Baron Carondelet.

The American settlers who so greatly outnumbered all others were of Irish, Scotch, English and sometimes Huguenot descent. Men of brain were these pioneers. Be it remembered that they did not have to begin their civilization Ab Ovo, so to speak, as was the case with some settlers in other parts of the state, but brought with them the culture and refinement of the homes they had left in other states or Europe, where many of the youths were educated when not sent to the best college here. They were close students, as the remains of their fine libraries attest. Pity it is that numbers of priceless volumes should have perished in flames with the houses that sheltered them, as in the case of Arcola, the home of that profound scholar and polished gentleman, Judge Semple, whose library was a loss to the state as well as to his own family. Among those still extant, just to name a few at random, are to be found old law books printed in 1717; Miscellaneous works of Philip Dormer Stanley, Earl of Chesterfield, 1779; Latin and Greek classics; early editions of Miss Austen, Miss Edgeworth, Byron, Moore, Scott, Cowper and de Quincy, Swift, Malte-Brun's geography, The Analectic Magazine of 1815, Acts pertaining to the first session of the Legislative Council of the Territory of New Orleans, Darby's Geographical description of Louisiana, rare books of Botany antedating Michaux's Arbes Forestiers de l'Amerique, sets of Audubon and Wilson, the Boydell Shakespeare, The North American Review for 1821, Thier's Consultant et Empire, numberless memoirs of Napoleon, by far the best by that faithful friend, Caulincourt; the Chansons of Berenger and the Memoirs of the Duchess of Orleans (Expurgated).

Men in those days and in this state were forced in a measure to know French to enable them to shine socially in New Orleans, and to be at least familiar enough with Spanish to read it, consequently we find books bearing such titles as this—Pratica Universal Forense de las Tribunales de España, y de las Indias, su Autor Don Francisco Antonio de Elizondo y Alvarez, Madrid 1795. On the front page of another is a fine engraving taken from a bust of "Felipe Quinto-Rey de las España. Daudet Sculp.," which prefaces the Historia General de España, Compuerta, emendada, y anadida por el Padre Juan de Mariano de la Compania de Jesus, 1751. One volume is deserving of special mention. It was the property of a revered Rector of Grace Church and was written in old Portuguese Latin. The text was illuminated, and the colored capitals unfaded as when printed, in 1492.

Musicians too, were these early residents. Their old flutes, with silver mountings, violins whose tones time has rendered but the more sweet, guitars tied with faded ribbon, discourseed dulcet music from the text books so carefully hand engraved. On summer evenings long and long ago, there floated out on the scented night air, sweet melodies, interwoven with moon and star beams, and in that romance-breathing entourage the charm was as ravishing as when Paganini played or Garcia sang. Later on, one family had an entire string band from New Orleans for the whole summer. It played for them and their guests, but the delightful sound reached the neighbors half a mile away, so that victrolas and radio were not so very much missed.

The people of East Feliciana pride themselves upon their intellect; the people of West Feliciana upon the azure tint in their blood in addition (we hope) to the former. Their family histories seem to validate the claim, as in the case of the Percys, descendants of Captain Robert Percy who was himself a descendant of one of the Earls of Northumberland, according to papers found hidden in the back of an old portrait discovered in the English home of the family. The Lanes, Wades and Brandons had splendid war records, and their names are synonymous with honor and high courage, especially that of General Brandon, who was one of the history makers of his country. The Semples, or de Semphills, date back to 1370, credited in Scottish history with but one base act, that of the Lord of Semphill who voted to have Mary Queen of Scots imprisoned in Lochleven Castle. Thomas Butler, first Judge of the Florida Parishes after Louisiana's Governor, Claiborne, claimed them as part of the United States, then judge in those cases where other judges were recused, and member of Congress, defeating Edward Livingston, during President Monroe's administration. The record of his family is written in the history of the Revolutionary war and his family tree has its taproot in Normandy. His surname was Fitz-Walter, and only changed to Butler on being transplanted to the "Ould Countree" when one branch flowered into Lord Chief *Butler* of Ireland through the appreciation of Henry II.

It was to Judge Butler's home, the Cottage, that General Jackson came, fresh from his victory at New Orleans. Thomas Butler's brother, Adjutant General Robert Butler, was Jackson's chief of staff, and at least seven of his fighting Irish cousins

were on it. Their advent so crowded the house that the master and mistress had to sleep as best they could in the pantry.

As illustrating two obsolete customs and the slowness with which news traveled in those days, it may not be amiss to insert the following copy of a poster put up in the town:

DEATH OF
GENERAL JACKSON

(Strange it never says ex-president.)

The steamer Yorktown, Capt. Halderman, which arrived at New Orleans on the 15th, furnishes the news of the death of the venerable patriot, Gen. Andrew Jackson, which occurred at the Hermitage, on Sunday morning, the 8th inst. at 8 o'clock.

The citizens of Bayou Sara, St. Francisville, and the parish generally, are respectfully invited to convene at the Court House tomorrow morning, at 10 o'clock, for the purpose of adopting resolutions expressive of their regret at so melancholy a visitation, and also, to select some suitable person to preach his funeral sermon at some future day.

St. Francisville, June 17, 1845.

To return. Another family connected with the history of the parish and state was that of Luther Smith who married a sister of Jefferson Davis, and lived at Locust Grove, the home still owned by the family. The following facts were given by Miss Nan Smith. Her father was a descendant of Henry Smith, who came from England in the 17th century, was chosen pastor of the church in Wetherfield, the first town settled in Connecticut. Miss Smith's grandfather married Coralie Guibert, niece of one of Louisiana's early governors, Arnaud Beauvais. The Guiberts were forced to fiy from their home, a tropical paradise in San Domingo, when came the insurrection, sweeping all before it. "On that night of unmentionable horrors," says Miss Smith, "the Guibert family, disguised as negroes, sat in the kitchen of their home with faithful slaves guarding them, while howling fiends surged through, bent on demoniac work." Somehow the family escaped to a vessel which bore them to New Orleans, where they arrived destitute but for jewels and "$10.00 in cash." These Guiberts inherited a splendid title, which they refused to assume, lacking the means to support it, from the de Veriere family, who

were heroes in the Vandéean wars. During the Civil war the home of President Davis' sister was "pillaged by Yankee vandals who wantonly destroyed what they failed to appropriate and most interesting relics were lost," and the home was practically destroyed.

These are the people in whose plantation burying ground lies the hero of Lundy's Lane and Fort Erie, General Eleazar Wheelock Ripley.

Near his tomb is a rectangle of white marble, kept immaculately so, bearing this inscription:

Sarah Knox Davis, Wife of Jefferson Davis.
Died 15th day of September, 1835. Aged 21 years.

She was the first wife of Jefferson Davis and the daughter of Zachary Taylor. Her married life lasted but three months. The papers often assert that she lies in a lonely and neglected spot, but though lonely, the cemetery at Locust Grove is lovely in all aspects. It is *not* large, yet none fairer could be found. Taste and loving endeavor have made it so. Shaded, but not shadowed, by trees; massed with flowers, some so old their very names are forgotten, though their beauty remains; its marbles pure as when they left their Italian quarries; vocal with the song of wild birds; redolent of perfume; serene and beautiful and holding the very secret of repose, no garden could be a more "Lovesome spot," more truly God's Acre. so that no place is worthier to hold in its heart the daughter of one President and wife of another.

It will be remembered that when Galvez was engaged in reducing Pensacola, several of the inhabitants of the Natchez District, who were ardent Tories, revolted against Spanish rule. Among the leaders of the rebellion was John Alston, a Carolinian, who afterwards moved to West Feliciana and whose descendants are here today. After the fall of Pensacola, he tried to escape but was captured and imprisoned in Moro Castle, Havana, "until 1783, when Prince William Henry, afterwards William IV, visited Havana as a midshipman, interceded for him and he was released." Finding a reward of $5,000 had been offered for his head, he delivered himself up to Governor Galvez and claimed the reward for his destitute children and kept his oath so well that his son, Solomon Alston, was Captain of that detachment of Spanish militia which took prisoners the Kempers, who had in turn revolted against Spanish rule, when they landed at

Tunica Bayou. The Kempers were rescued by a party of American soldiers, but they literally hounded Captain Alston to his early death, brought about by sleeping night after night in an open skiff in mid-stream or drawn close under sheltering banks to escape them. However, it was not *his* ears that Reuben Kemper cut off and kept so long in alcohol as a warning to his enemies.

When he was captured, John Alston's three younger children, Anne, Solomon and Lucretia, were left in the care of a Dr. Farar, of Pointe Coupee, who placed these helpless children aged ten to fifteen, in a cabin in the swamp where at night the wolves howled and the mosquitoes swarmed, so they were forced to sleep on a sort of platform under which a fire was kept burning in order to keep away both foes. Delicate and used to luxurious surroundings, their plight was desperate. Their only food beside salt meat furnished by the overseer, was the game young Solomon could capture with the aid of his little dog; their only protector was their negro nurse, Mammy Pratt, who kept their few rags together, raised chickens, caught fish in False River, and did her poor best for her young charges whose mother was dead, whose father was imprisoned and all his property confiscated. Finally Anne met and married Mr. Alexander Sterling, who moved to West Feliciana, entered eight square miles of land, called his almost principality Wakefield, and built the spacious home which stands there today, though reduced from three stories to one and a half, because the heirs, honorable in all things, divided their inheritance, even the marble mantlepieces, exactly in accordance with the dictates of justice.

John Alston's youngest daughter, Lucretia, married Mr. Pirrie, a young Scotchman, and lived at Oakley, still owned by her descendants. It was her daughter who was Audubon's first pupil in West Feliciana. He called her "the Beautiful Eliza Pirrie," and took especial pleasure in teaching her to paint, but she soon escaped all lessons by marrying her cousin, Mr. Robert H. Barrow, and many of her descendants still live here, large land owners. After Mr. Barrow's early death, she married the Rev. William Robert Bowman, first Rector of Grace Church, the second Protestant church built in Louisiana. "It was only a small, plain brick structure, having, as was usual in those days, a gallery for the slaves, who attended service regularly." This church was replaced by the present building, preëminently first in point

of beauty; noted for its softly colored Gothic windows, its large, unusual single arch, the pure lines of its pillared chancel, lovely with chaste loveliness that only severity of outline can give. It was just completed when Farragut's fleet steamed up the river and, selecting the high, square tower as a target, shelled church and town, nearly wrecking the former, though the shell that would have demolished it, fell at the foot of the altar but never exploded. Today it stands, restored, in its churchyard filled with many monuments, many flowering shrubs and giant Live Oaks with a branch-reach embracive as Charity. The gravestones loom white under their emerald shadows, but sunrays filter through in promise of the shadowless day when

Life will seem
The bitter dream
And death the glad reality.

The above are a few of the names of those early settlers of West Feliciana, represeneting her in peace and in war when her sons "fought like brave men, long and well" wherever their country called them. Their graves lie on the mountains of Mexico, and many, so very sadly many, on their brother's land, now their own; and from this greatest and, we pray, last war she bears on her banner numerous silver stars and two of purest gold.

As West Feliciana boasts of possessing the second oldest Protestant church in the state, so she claims the organizing of one of the oldest agricultural societies and the building of the third oldest railroad in the United States. This last was incorporated in 1831 but not completed for several years. Being a pioneer, it encountered many difficulties at first, some land owners holding their estates in feudal tenure, refused the right of way. In one instance, where the lord of the soil was more than usually autocratic, freight had to be transported across his place in wagons, and, emulating him in small, an old woman smeared the track with soft soap every day, so a box of sand was included in the rolling stock.

It was truly an accommodation train, and stopped wherever flagged. To illustrate: An aged black mammy was wont to halt the train for her young "mistis" with one wave of her white apron, but when the road was taken over by the Y. & M. V., her signal was ignored, so she stood in the middle of the track at the risk of her life, shook her skirt frantically up and down and

shouted, "Mister, for God's sake stop, Miss Kitty wants to go to New Orleans!" and could not understand why the train insulted her "mistis" by speeding on.

Again to illustrate: An old gentleman of a still older school was in the habit of dining once a week at the home of a lady to whom he had long paid court, and then would drive her to the train, which she took to visit relatives. He was one who never hurried, so would partake of a leisurely dinner, regardless of schedules, cut his quid of tobacco, cluck to his old steed and amble down the long inclined street to the train patiently waiting; then the conductor would say to the engineer, "You can fire up, George, Mr. D. is driving down the hill with the widow N."

This railroad played an important part in opening up the country and enlarging the commerce of the state. "It was due entirely to the foresight and enterprise of private individuals that it was constructed." By some happy accident the track was made standard gauge long before the term was known or applied, so the Illinois Central found no alteration needed when the road was incorporated in that system.

So much for the history of West Feliciana and the history of some of her people. As to her physical features, no touch is lacking to her perfect picturesqueness, for she possesses lakes and streams of surprising beauty, marshes and swamps, hills and rich valleys where everything grows except, perhaps (and alas!) one's income.

Of the lakes, Killarney, Garnhardt, Cobb, Sugar, Platte, Charity, Blackfork, etc., some are drained dry at certain seasons by the receding of the river, but most are filled the year round with clear water and edible fish.

Of the streams, some, as the Big Bayou Sara and Thompson's Creek on the Eastern boundary of the parish, would be called rivers in a more niggardly climate. These and many smaller, as Alexander's Creek, Baker's, Gaspar's Branch, Charcot Bayou, Spring Grove, Tunica Bayou and others, mere runlets, spring-fed or rain-fed, add an unbelievable charm to the scenery, for whether they cut through steep bulffs of many colored clay or border silver-sanded flats, they are a living refreshment to eye and mind.

Along the entire Southern and Western boundary flows the mighty Mississippi, sometimes a menace but always a marvel, abounding in fish. Here may be caught bass of several kinds,

buffalo, suckers, pike, mudfish, gar pike, river drums, trout, cat, bowfin, gaspergou, etc., shrimp and eels.

Need it be said that with so abundant a water supply, such stretches of woodland, with fruit and heavy mast, berries and grass seed, swamp and marsh and dry uplands, this is a veritable bird Eden, and they flock to fill it. Thrasher and flicker; oriole and martin; fieldlark and rice bird; warblers innumerable, the most beautiful being the Coerulean warbler, a bit of blue sky caught in the tree tops; nighthawk and owl; painted bunting and Cardinal, a red hibiscus blossom, in flower winter and summer; wild duck and Galinule; heron and woodcock; sparrow and blue jay and a host of others, resident and migratory, varying in size and color from swamp eagle to hummingbird. Numbers are sweet singers, so the air pulses to melody, no orchestral tone lacking; at times a full chorus, then a medley by that superb soloist, the mockingbird, or, when evening and dew fall, the wood thrush gives in highest flute notes a trill, a turn, and the final E. in Alt. just as the Chuck-Will's-Widow begins his night-long serenade.

Darby's Louisiana, 1816, quotes from de Vergennes in this wise:

"I repeat again what I have already said several times, that Louisiana is beyond dispute the most beautiful country of the universe by the sweetness (or mildness) of her climate and her happy fortunate situation.

"One can cultivate with success all of the plants of Europe and nearly all those of America."

And of this "Plus beau pays de l'univers," West Feliciana was named by Darby himself as one of the most favored spots, while the Encyclopaedia Americana for 1831 says, "The District of Nueva Feliciana has been considered by some as the garden of Louisiana."

From early times it was sought out of botanists and naturalists, some specimens of her flora are now in the Kew Gardens and the Arnold Arboretum, collected by the celebrated heads of those noted places, and just a hundred years ago, the following letter was penned, or, rather, *quilled* (in French):

"Mr. A. P. Walsh,
Former Captain in the Spanish Marine,
Parish of Feliciana,

"Sir:

"His Royal Highness, Prince Paul of Wurtemberg, is leaving on the Feliciana with the intention of travelling through the Parishes of Pointe Coupee and Feliciana, for the purpose of making studies (or researches) in Botany or Naturel History.

"The Prince is accompanied by Professor Tinturier of this city. These distinguished travellers will make themselves liked wherever they appear, and knowing your urbanity and politeness, I claim them for his Royal Highness and for Mr. Tinturier, begging you to let them make the acquaintance of Messrs. Guibert, Raoul, Judge Rhea, Dr. Williams & other persons of note.

"I profit by this occasion to present you my respects and renew my friendship,

"Your devoted St. & friend,
"T. Henry Ludeling.

"New Orleans 18th May, 1823."

The immediate cause of the visit of his Royal Highness may have been the glowing account of the parish given by Audubon in his journal, for when he landed in Bayou Sara, June, 1821, he wrote:

"The aspect of the country was entirely new to me. The rich magnolias covered with fragrant blossoms, the holly, the beech, the tall yellow poplars, the hilly ground and even the red clay all excited my admiration. Such an entire change in the face of nature in so short a time seemed almost supernatural."

He recognized the strange beauty of the land he helped to make famous and that did so much to make him famous, for he added materially to his income by teaching painting, first to Miss Pirrie and then to the children of Captain Percy. He also gave them dancing lessons in the large gin house and swimming lessons in the deep pool hollowed out by the Big Bayou Sara creek in its rush to the river. Mrs. Audubon taught for several years at the Garrett Johnson place and in the Percy family where she accumulated the $3,000 that enabled him to go to Europe and edit his works. The plates in them reproduced many of the birds and animals he had watched "from morn to noon, from noon to dewy eve" in the wild woods of West Feliciana.

There are many large homes here. Among the first built was the Barrow place, The Highlands. About 1798 Mr. Barrow came from North Carolina bringing with him his family, his great wealth, his numerous slaves, his carpenters, masons, painters, etc., and built of timber cut on the place, a large Spanish grant, the home, with solid joists and morticed beams joined with wooden pegs, that stands secure today. The brick were made in an old kiln still remaining, though in ruins; the nails and screws, from iron bars brought from Pittsburg in flatboats, the carving of the walnut doors, mantels and stair-rails was done by some "mute, inglorious" artist who deserved the fame he missed. The family still own and cherish this home.

Another Barrow place is Afton Villa with its thirty-four rooms, large ballroom and banqueting hall, towers, balconies enclosed by stained glass doors opening on a terrace above a sloping lawn beyond which winds a live oak avenue, half a mile long, that broadens at the end to follow the ornamental fence forming a quadri-circle on either side of a gate so imposing of pillar and triple arch that the Federals left the place unmolested, taking it to be the entrance to a public building belonging to Uncle Sam.

Wakefield, the Sterling place, has rooms thirty or forty feet long, and was formerly three stories high and fronted with massive pillars.

The Myrtles, with its ornate iron-railed gallery; Solitaire, with a mile-long avenue of live oaks; The Cottage, whose walls were said to be elastic, as they could always stretch to admit one more guest, only comfortable, only quaint architecturally, but set on a hill in the midst of a landscape Corot or Millais would have been glad to immortalize—all belong to a past century.

Several are of typical Colonial build. Greenwood, still another Barrow place, is a notably perfect example; Ellerslie, situated on a high bluff towering above a ripple of water running, running South until lost in the dream-compelling distance, commanding an enchanted view; Rosedown, gleaming white at the end of its long, deeply-umbraged, azelia-bordered avenue of grand old oaks.

Centers of gracious hospitality were most of these homes in the days gone by. Let us recall a (shall we say happily?) lost custom and "spend the day" as one of the guests who arrived in the family coach which (the coach, not the family) was usually

upholstered in soft grey broadcloth, as the owners had too much pride to be ostentations, and was provided with embroidered straps by which to hang, for roads were rough and the vehicle swung high on prodigious springs, so the lurching was frightful and the occupants usually reached their destination suffering from *mal de mer,* slight to violent, according to their powers of endurance. The ladies were taken to the company room to remove their bonnets and pelisses, which careful maids laid on the white counterpane of the silk-hung old four-post bed of ample dimensions. After surveying their charms in the Psyche, adding a dab of pomatum to smooth their disarranged curls, they adjourned to the parlor, which was usually furnished in rosewood, intricately carved above the satin brocade of medallion backs. Then, according to invariable custom, cordial, Maraschino, or Curocoa, was served with fruit cake in winter or orange flower or raspberry syrup with a lighter cake in summer, different members of the family taking turns in entertaining while others, in private, were superintending the elaborate menu or beating the egg whites for the floating island with peach switches, or showing Delphy, the perspiring cook, how to sear the Spanish cream with a red hot salamander, etc. Meanwhile the men of the party were inspecting the crops or passing judgment on the stock, but returned to the parlor just before the door of the dining room opened to give passage to Nathon or Preston or Jeems bearing a silver salver laden with crystal goblets surrounding the julip bowl that rose from the center like a bouquet, being filled with crushed ice in which was stuck sweetpea blossoms, or any flower in season, and mint to flavor the contents. After this was partaken of dinner was announced, and the guests entered the large dining room that was furnished in massive mahogany, the sideboard alone long enough to fill one wall of a modern apartment and broad enough to support the splendid silver and cut glass and a punch bowl, as mammy often said, "big ernuff to swim de baby, effen he tuck his baff in hit."

At the dinner was served claret, as per usual, sherry with the soup, Roman punch with the meats and, on gala occasions, champagne, then with the coffee, came in a silver dish with lumps of loaf sugar blazing with spirits to be put in the tiny cups, often of old Chelsea or Sevres. You may credit my statement that the gentlemen, especially, departed with eyes considerably brighter than when they arrived. Dear, generous, lavish, warm-

heartedly hospitable old givers of pleasure! Many a one of you literally entertained himself out of his home and into the poor-house.

The garrets of some of these houses are treasuries to the seeker after antiques. There are trunks full of such articles as Cashmere shawls and scarfs of China crepe; caps of quaint shape and veils and flounces of filmy lace; old dresses of silk or satin so finely woven they could be drawn through a ring, of lavishly wrought mull or silk net embroidered in chenille, or tulle covered with a design in seed pearls, each dress more Empire than Josephine's own. There are strangely shaped gold combs set with pearls or coral; medallions surrounded with diamonds set in silver; antique cameos; curious heavy gold memorial lockets with pictures of females weeping above a tomb, and, on the reverse side, the initials and a lock of the departed one's hair; little silver birds that used to be attached to the side of the sewing table standing on brass feet and ornamented with brass rosettes and rings as handles for the drawers, birds with such strong springs in their beaks that they never let slip the piece of linen cambric auntie or grandmother would so patiently embroider; sets of coral or opals complete even to the belt buckle and narrow ribbon only eighteen inches long that used to span the waists of the then fair ones; strange bérets belonging to a Huguenot ancestress; not so many diamonds, for they were sacrificed to supply the pitiful and pressing needs of some loved one wearing a tattered grey uniform; little slippers so narrow that you wondered how anything so ethereal as great-grandmamma could have lived the thirty-two years that marked her term of existence.

In these same old garrets are to be found boxes and trunks full of yellow papers, letters of business, of courtesy, of love; one, and we would like to know how many modern husbands could pen and mean the same after thirty-three years of married life, ends thus:

"Accept the profound assurance of my fondest affection."

Carondelet was a voluminous correspondent. Many of his letters were written from New Orleans and others from Mexico, as the following:

"Je vous avoue, Monsieur, qu'a la reception de votre lettre du 18 du courant je vous croiois bien loin de Vera Cruz, je ne comprends pas comment le bled (?) que devoit charger la fregate

s'est fait attendre si longtemps ayant eu la precaution d'avertir le Viceroy, douz mois avant son arivée qu'elle venait prendre du bled et de la poudre; il auriot beaucoup mieux valu laisser le bled a terre et partir uniquement avec la poudre qui fait grand faute a la Louisiane; Ce retard coutera immensement au Roy et dérange absolument la plan de l'expedition; je suit persuadé qu'on en scauras le plus mauvais gré a Dn. Vizente Cota. Il pariot que la cour craint pour Pensacola dont elle pretend conserver une grand opinion malgrê tout ce que je lui ais dis de son inutilité; je suis persuadé que la fregate la Sixena y et en effet destineé, si elle se tient en croisiere sur la côte elle sera très utile aux commerce de la Nlle. Orleans."

He asks to have sent several sets of china because—"Les mulatres Durand, avait si mal empaqueté toute ma porcelaine, qui etait manifique, que j'en ais perdu la moitié—ayez soin de la faire emballer avec de la Barbe Espagnole. Philipa, qui vous fait bien des complimens, ainsi que sa mere, vous pri de lui envoier la musique de *L'himne de marseilles, de lie (?) quoi tu peux dormir encore,* et de Dieu tout puissant avec l'accompagnement pour la harpe fait par Cassagnard."

"I assure you, sir, that at the reception of your letter of the 18th inst. I believed you very far from Vera Cruz. I do not understand how the grain that should have been loaded on the frigate was delayed so long having had the precaution to advise the Viceroy twelve months before her arrival that she was coming to get grain and powder, it would have been better to leave the grain ashore and depart with the powder alone which is much needed in Louisiana. This delay will cost immensely to the King, and disarrange absolutely the plan of the expedition; I am persuaded that they will be much put out with Don Vizente Cota. It seems that the Court fears for Pensacola, for which it pretends to have a great opinion in spite of all I have told them of its uselessness. I am persuaded that the frigate Sixena is destined for that port, if she cruises along the coast she will be very useful to the commerce of New Orleans."

He asks to have sent several sets of china, because,

"The Durand mulatoes so badly packed my porcelain, which was magnificent, that I lost half of it . . .

"Take care to have it packed in Spanish beard (moss).

"Philipa who sends you many messages as does her mother, begs you to send her the music of the hymn of the Marseilles,

but you can sleep on that as yet (?) and of 'All Powerful God' with harp accompaniment by Cassagnard. . . .

Then he asks to be remembered to persons whose names have long since been omitted from census reports.

"Presentez, je vous prie, mes respects a Don Daniel Clarke, Don Manuel Gayoso, Mmes. Riviere, Sostain, Collet, Montaigu et soyez assuré la Sincerieté des sentimens avec lesquel j'ai l'honneur d'etre.

"Monsier

"Votre très humble et
très obeissant serviteur
"Le Baron de Carondelet."

"Mexico le 29 Nov. 1797."

In a postcript the kindly little gentleman descends to this homely detail—"N'oubliez pas de rembarquer la vache de Mr. Macarti." "Do not forget to re-ship the cow of Mr. Macarti."

There are papers from persons whose titles ring strangely in the democratic ears of 1923. For instance—

"D. Garcia Joseph Dabila Dabila Ponze de Leon Calderon de la Barca Fernandez de Hemestrosa y Borques, Cabalero de Orden de Santiago, Brigadier de los Reales Exercitos, Gobernador Militar y Politico de la Plaza de Veracruz, Intendente de su Provincia, Castellano de la Real Fortaleza de San Juan de Ulua, Subdelegado de la Superintendencia general de Correros maritimo y terrestres, y Juez de Matricula y Montres en te puerto y ambas Costas." Dated 1802.

Still more formidable is this:

"Don Pedro Pablo Abarca de Bolea, Ximenez de Urrea, & Conde de Aranda, y Castelflorido, Marques de Torras, de Villanant, y Rupit; Vizconde de Yoch; Baron de las Baronias de Gavin, Sistano, Clamosa, Eripol, Trasmoz, la Mata de Casteliviejo, Antillon, la Almoda, Cortes, Jorva, San Genis, Orcau y Santa Colomo de Farnes; Senor de la Tenencia, y Honor de Alcantara, Valle de Rodellar, Castillos, y Villas de Rueda, Maella, Mesones, Tiurana, y Villaplana, Taradell, y Villadrau & Rico-Homme de Naturaleza en Aragon; Grande de España de Primera Clase; Cabellero del insigne Orden del Toyson de Oro, y de Sancti Spiritus; Gentilhombre de Camara de S. M. con exercicio, Capitan General de las Reales Exercitos, Decano del Consejo de Estado; y

Encargado interinamente de la Primera Secretaria de Estado, y del Despacho, &, &."

Fortunately for the reader he stopped here.

That there may be pathos even in official documents, is shown by this French passport—

"Nous Jean Alfonse Francois Bourgiong
Ministre Plenipotentiare du Roi des Francois auprès de sa Majesté Catholique," dated, "Madrid, le 24 Septembre, 1792," and pathetic because when issued there was no king of the French, as, three days before, France had been declared a Republic, and he who had been His Majesty, was majestic no more except in the manner in which he met his death on the Guillotine three short months afterwards.

Of a later date are letters from Andrew Jackson, a personal invitation to dinner from President Monroe, letters from Henry Clay on his way up the river on one of the steamboats that were marvels of the day, from Zachary Taylor, dated Matamoros and written on paper found in General Arista's baggage which was left on the field of battle when he fled before Old Rough and Ready. Submitted without comment is this letter:

(Copied.)

"Washington, July 31st, 1862.

"August Belmont,

Dear Sir,

"You send Mr. W. an extract from a letter written at New Orleans the 9th inst., which is shown to me.

"You do not give the writer's name, but plainly he is a man of ability and probably of some note. He says 'The time has arrived when Mr. Lincoln must take a decided course. Trying to please every body he will satisfy nobody. A vacillating policy in matters of importance is the very worst. Now is the time for honest men who love their country to rally to its support. Why will not the North say officially that it wishes for the restoration of the Union as it was.'

"And so it seems this is the point upon which the writer thinks I have no policy. Why will he not read and understand what I have said? The substance of the very declaration he desires is in the Inaugural, in each of the two messages to Congress and many if not all the minor documents issued by the Executive since the Inauguration. Broken eggs cannot be mended, but Louisiana has nothing to do now but to take her

place in the Union as it was, barring the already broken eggs. The sooner she does so, the smaller will be that which is past mending.

"This Government cannot much longer play a game in which it stakes all and its enemies stake nothing. Those enemies must understand that they cannot experiment for ten years, trying to destroy the Government and if they fail, still come back into the Union unhurt.

"If they expect in any contingency, to even have the Union as it was, I join with the writer in saying *'Now is the time.'*

"How much better it would have been for the writer to have gone at this under the protection of the Army at New Orleans than to have sat down in a closet, writing complaining letters Northward!

"Yours truly,

"A. LINCOLN."

But enough of musty documents. Let us breathe the fresh fragrancies borne on the air surrounding these old homes, so admirably located. It would be almost impossible to choose a building site that did not form a picture or command one, so favored is Feliciana, that fair, lovable and loved land. In addition to the gifts she bestows with a prodigal hand, man has given the few needed touches, for nearly all these homes have gardens or remains of gardens, with graceful vines falling from ancient tree tops to rare shrubs and flower beds fragrant as those of Araby the Blest, gardens old and moss-grown, with walks that have wandered far from their rigid lines to make way for encroaching flowers, often wild, and shrubs grown to trees hoary with age and not now to be found in floral catalogues.

In the grove at Catalpa are the ruins of a hothouse three stories high, where pineapples ripened and many exotics flourished. The extensive garden at Woodlawn is bordered throughout with a box hedge five feet high and as many wide, and is so thickly planted it is almost impossible to see the flowers for the bushes. It contains several hundred specimens and at least fifty varieties of Camellias, or, to call them by the name we love them by, Japonicas. Rosedown, besides its many foreign plants, with impossible Latin names, its cool, shadowed and moss-grown rockery, its delicate greenhouse plants, has nearly five hundred of these *trees*, for they are trees in size, growing singly, in groups, and sometimes forming regular bowers so densely leaved that

neither the midday nor lateral rays of the summer sun ever penetrate. One has to see to believe their aggregated luxuriance and loveliness. The soil of our parish seems especially adapted to their needs and they bloom in gorgeous perfection from October to April, injured only, and then temporarily, by a severe freeze, so our gardens are never blossomless with these and the akebia, laurustinus, old sweet shrub, winter calycanthus, virburnum, magnolia fuscata, purple magnolia, sweet olive, crataegus, pyrus japonica, fading as the azaleas vivify, white, lilac, pink, red, some large as a modern bungalow. Following swiftly are flowering almond, spireas, deutzias, mock orange, cape jasmine and that other jasmine that enstars the earth above the gone-to-dust heart of the Confederacy, pure as its aims. Near the earth line are blue periwinkles and phlox, numberless bulbs, crocus, narcissus, hyacinths, jonquils, lilies, iris native or brought from far lands, and a host of annuals that re-seed themselves from year to year in spite of the unavoidable neglect they meet with, daisies and hydrangeas and a true magnificence of roses, from the Los Angeles back to the old hundred leaf, the ever-in-bloom Archduke Charles of Luxembourg, provence, banksia, souvenir de malmaison, lamarque, devoniensis and that largest and yellowest of yellow roses, the Augusta, found only in an occasional garden upholding a summer house in ruins or the rotting timbers of an arbor so sequestered as to have heard, doubtless, the love vows of four or five generations, while on the lips that breathed them, time has laid a silencing finger.

But these gardens are merely small cultivated areas in a larger wild garden. One *knows* that most loveliest as well as "most dearest is a true superlative" on seeing field after field blue with ageratum, or pink with gerardia and the most charming of phloxes, lilac and white with daisies or royally robed in the purple and gold of meadow queen, wild verbena and goldenrod; when by clear streams, mossed with velvet, in the cloistered wood, flames the Cardinal flower near its paler brother the blue lobelia, side by side with strange little orchids brown-red, or white or translucent pink, and under the earliest spring leaves amid tender-fronded ferns, blooms the white-cupped Mayapple and lily of slender petals, and the roadside and every available bush and tree is plumed with yellow jasmine and coral honeysuckle flecking the drifted snow of Cherokee roses.

Yet more than her gardens, more than her flower-strewn fields, do her mile after lovely mile of primeval forest distinguish her. They possess, says a world authority on trees, some of the handsomest now existing on the globe, and a few even yet unclassified, and a mere list of those names most familiar makes a poem, as—Andromeda Arborea, Nyssa Slyvatica, Acer Negundo, Liquidambar, Liriodendron, Lauriamunda, etc., etc.

So diverse is the conformation of the ground that an infinite variety of growths can find congenial habitats in this fair Feliciana which lies on the landscape of the state lightly as a leaf fallen from some verdant tree, the longitudinal and divergant ridges corresponding to the mid and lateral veins. Some of these elevations are narrow crested and sinuous, others are broad and gently rolling, folding into each other or widening into plateaux along the watercourses, terracing their banks, while again they break off sheer at the water's edge in cliffs a hundred, to two, or three hundred feet high, of rose, white, blue or yellow clay.

Several end only at the river itself and tower above the brown water awash at their base. But the greatest river reaches are fringed with swamp, narrow or miles wide, where the forestation differs totally from that on the hills, most of which are densely timbered except where cultivated. Almost always in the gullies and ravines between the hills is the flash of a runlet of water, rippling across pebbles or falling over a shelf of clay to some deep pool, thence low-singing on to creek and river.

When spring comes to this virgin wood, so wonderful is the change from stark, bare branches to the ineffable softness of leafage and bloom, the forest seems to put on immortality, and the dying hope in our hearts revives, for the earth gives back what the world has taken away when we see effloresce these rarely beautiful trees that have come down to us such as they grew in the golden youth of Arborescence. Here is found the Styrax, with spray after spray of almost orange blossoms, but more odorous, so that it is inevitably called the silver bell tree; the basswood, of larger bole, with flower-clusters nearly as sweet; the magnolia, of majestic size, largest flowered of any known tree, rightly called Grandiflora, and that other magnolia whose leaves are quite as fragrant as its flowers; the locust, covered with hundreds of white sweetpeas; all send waftures of perfume down the sylvan paths where grow the tulip tree with buds and expanded blossoms perfect in color, shape and setting of vivid

green, truncated leaves; the catalpa, more delicate of texture and shading than any orchid; the beech, meshed in floss silk that is not green but a silvered suggestion of it; the crabapple, rosy as the dream of youth when first it loves; the hawthorn, with an ethereal finish of littlest pink anthers poised on white stamens; the hickory, whose young leaves escape from a red tulip sheath, and the Andromeda, with lance-like, glistening foilage, each branch-tip enriched by a panicle of lilies of the valley. Down in the low-lying marshes, where blue and brown irises border the shallow pools on whose surface water lilies rest, the prickly ash shows tropical in leaf and huge, conical spike of creamy flowers; the swamp maple lifts a blazing torch to the serried ranks on the hilltops where the Mayhaw and dogwood, Halesia and Cyrilla are banked in purity, and in high relief against this tender-leaved greenery stands the redbud with the purple of pain underlying its marvelous mass of pink.

These are but poor and pale words to describe West Feliciana. Many of her daughters have married and live elsewhere. Her sons have wandered far in search of a wealth she cannot give them, but always she draws them back to her by the very sweetness of her charm.

In this age of upheaval, of broken faiths and traditions, of discarded ideals, where money alone is supreme, the American Dollar being the standard toward which the eyes of the world are gazing and for which the pockets of the world are gaping, she is quiescent and ignored, dreaming of a day that is seemingly dead, but in her immobile body a soul lives, and the message of that soul is told in two lost words—Poetry and Beauty.

Some day it will be spoken to the world in ringing accents.

NOTE. The Good Roads article called "A Word to the Wise," was taken from this sketch, so parts of it are merely restored.

Thanks are due to Miss Nan Smith for the notes about the Smith and Davis families; to Mrs. R. S. Towles for information about the Percy family; to Mrs. C. M. Barrow for extracts from an article about John Alston; to Miss Raynham for the notice of General Jackson's death; to the Reverend Father Rambouts for an account of the Catholic church which was printed in the very beautiful Silver Edition of our local paper, The True Democrat.

The names of two of our celebrated men and the paragraph describing the first little Grace Church, were also taken from The True Democrat, that home of not only good, as it claims, but *perfect* printing.

IN MEMORIAM

COLONEL HUGUES J. DE LA VERGNE

November 28, 1923

"The Maker soweth and gathereth."

This world of ours is truly a vale of tears. There are days when the sun shines in all of its splendor, gladdening the heart of man where he would feign sing in sheer ecstacy at the joy of living; yet how more numerous the days when the dark clouds of grief and poignant sorrow cast their cheerless and sombre shadows upon his path. Days of joy and days of sorrow. Do not the latter outnumber the former? Are we not called upon daily to mourn the loss of a dear relative or friend; and for one hour of happiness do we not very often pay a heavy toll of heart pangs and deep sorrow? Truly this is a vale of tears and however blessed we may be with worldly goods and earthly compensations we are constantly reminded of the frailty of human existence, and the Grim Reaper crosses our threshold when least expected, leaving in his trail grief and desolation.

A distinguished Creole, whose pride of ancestry and deep devotion to the land of his forefathers were prominent and characteristic traits; a history loving man and a staunch friend of this society, died in Paris, France, on Wednesday, November 28th, 1923. Colonel Hugues J. de la Vergne is no more.

The scion of a very distinguished and prominent family of this State, Hugues J. de la Vergne was born in New Orleans on July 1st, 1867. After attending grammar school he completed his classical studies at the College of the Immaculate Conception in this city and was graduated therefrom with the degree of Bachelor of Arts. He subsequently earned the degrees of Master of Arts and Bachelor of Philosophy from the same institution and then entered as a law student Tulane University, which conferred upon him the diploma of Bachelor of Laws. Among the members of his chosen profession as well as among his fellow citizens of New Orleans, in every walk of life, "Colonel de la Vergne," as we were wont to call him familiarly and affectionately, counted a host of friends.

He was very proud of his native city and participated very actively in many of the movements initiated to further and develop the Crescent City.

The voice of his ancestors spoke to him in mighty and appealing tones and he readily complied with its mandates. He organized in this city a society known at "The Elysium," an institution founded for the purpose of grouping and getting together in fraternal intercourse and friendly meeting those, who like himself, were descendants of prominent and distinguished ancestors.

His father was a very distinguished Confederate soldier who served gallantly and brilliantly in defense of the "Lost Cause" and who while in the field, after the election of Governor Henry W. Allen, was called to Baton Rouge and assigned to duty on the Governor's staff. This in recognition of his executive and military ability.

Coloned de la Vergne was an enthusiastic member of Camp Beauregard, No. 130, Sons of Confederate Veterans, and one of his cherished desires was to obtain the Cross of Honor given by the Daughters of the Confederacy to Confederate soldiers who served until the end of the war and to their descendants, if the soldiers died without receiving the cross. Colonel de la Vergne prized very highly the cross which his father's valor and service had won and which, true to the high ideals which his father had set for him, he received with reverent pride and filial affection.

He was ever ready to assist in every movement looking to the perpetuation of the achievements of the gallant leaders of the Confederacy. Entirely through his efforts the Charles D. Dreux Monument Association was organized in New Orleans, for the purpose of erecting a monument to the memory of Charles D. Dreux, the first Louisiana officer killed in the war between the states. He lived to see his work crowned with success. The monument was unveiled with impressive ceremonies in Rose Hill Cemetery last year and on that occasion Colonel de la Vergne eulogized in impressive terms his illustrious relative. The location of this monument is particularly appropriate. The shaft supporting the bust of Charles D. Dreux stands on land which at one time belonged to the Dreux family. Louisianians are thankful to Colonel de la Vergne for his untiring work in connection with the erection and location of this monument.

Endowed with a splendid physique and martial appearance Colonel de la Vergne was truly the worthy descendant of worthy sires. He was the living embodiment of the motto *noblesse oblige* and from the very beginning attained social prominence among his fellow Louisianians. There were few in this community who did not know him. His circle of acquaintances and friends was a very wide one. He was most affably greeted on the street and in the club room, at social functions or at political meetings by all those who knew him.

He was a member of the Boston Club, the Stratford Club and other prominent social and athletic institutions of New Orleans and mingled freely and cheerfully with all those who sought to give to his beloved native city social prestige and civic distinction.

From his earliest infancy Colonel de la Vergne was athletically inclined. His favorite form of physical recreation was horseback riding. His achievements as a horseman soon earned him many laurels at the many equestrian tournaments in which he participated.

A lover of history, Colonel de la Vergne was long a member of the Louisiana Historical Society and very prominent in all its activities. He was a member of the General Committee and connected with several sub-committees in the three great centennial celebrations conducted by the Society; the ceremonies held in commemoration of the acquisition of Louisiana in 1903; the centennial of the admission of Louisiana as a State in 1912, and in 1915, the 100th anniversary of the Battle of New Orleans. He read several papers before the Society, which were published in our Quarterly and which reflect great credit upon their author.

He was very much interested in the spread of the French language in our midst and thus became proprietor and managing editor of the New Orleans Bee—*l'Abeille de la Nouvelle Orleans*, which remained under his business supervision for some time.

He was married in 1895 to Miss Marie Louise Schmidt, daughter of the late Charles E. Schmidt, a prominent attorney of his time. Several children were born of this union.

As an active member of the Bar and a lover of his profession, Mr. de la Vergne was a member of the American Bar Association and the Commercial Law League of America, the two great legal organizations of the United States, and was active in the affairs of both.

He was at all times a devoted Louisianian and in private life as well as in public and official functions he never failed to comment in glowing and eulogistic terms upon the splendid history and wonderful development and supremacy of his native State.

In the death of Colonel de la Vergne Louisiana has lost a loyal and devoted son and a public-spirited citizen. Peace unto his ashes.

The Louisiana Historical Society will number him among the valuable members that have passed away.

Verily this is a vale of tears. "The Maker soweth and gathereth."

ANDRE LAFARGUE,
Chairman.

IN MEMORIAM

JOHN F. C. WALDO

November 28, 1923

To the Members of the Louisiana Historical Society:

The undersigned Committee, appointed by the President of the Society to present a tribute of respect to the late John F. C. Waldo, begs leave to report as follows:

John F. C. Waldo, who was a member of one of the oldest American families in Louisiana, leading lawyer and distinguished scholar, died Wednesday afternoon, November 28th, 1923, at his residence, 514 Broadway Street, after an illness of six weeks.

Mr. Waldo was the son of James Elliott Waldo and Araminta Fowle, and was born on October 26, 1855, at Arlington, then West Cambridge, Massachusetts, the home of his maternal grandparents. At an early age he came to New Orleans and after attending primary schools, was graduated from the old Boys' High School in 1874. He almost immediately began the study of law in the offices of the late Judge Thomas C. W. Ellis, and was admitted to the bar in 1882 and gradually acquired a large and extended practice in all branches of the law.

While in no sense a politician, he always took a conspicuous part in public affairs.

He was appointed assistant City Attorney by Samuel L. Gilmore, then City Attorney, in 1904, reappointed by Mr. Gilmore and appointed three times by Judge I. D. Moore, the successor of Mr. Gilmore, resigning when his chief resigned in 1920. As Assistant City Attorney he handled many of the great cases, both for and against the city of New Orleans, which arose during his term of office. Among them were suits for the batture, suits regarding the McDonogh grant, the 6-cent car fare case, the Peters Avenue and Levee Street changes of the Railways Company, and many others too numerous to mention.

There were few men in Louisiana better educated than was Mr. Waldo and much of his education was self-taught. He read, wrote and spoke fluently five languages, English, German, French, Spanish and Italian, besides being well grounded in Latin and Greek. He could read without difficulty five other languages, Danish, Swedish, Norwegian, Portuguese and Rumanian, and had some acquaintance with others.

Mr. Waldo was a splendid conversationalist and a vivid writer, his letters and contributions both in poetry and prose to the newspapers of the city being frequent and attractive. As a historian he was well versed in modern and ancient literature, but his forte in writing leaned more to fiction. A little brochure by him written and printed for private circulation some years ago entitled "Atlantis," met with much favor and critical commendation and presents a subject of the lost continent in rather a new light. Copies of it are rare, but the Louisiana Historical Society possesses one given to it by the author. Mr. Waldo's most recent contribution to legal literature was an article on the law of Louisiana on the subject of wills, published in the Journal of the American Bar Association and the Loyola Law Quarterly.

He was a member of the First Unitarian Church and had served as its President and held other offices. Mr. Waldo at the time of his death was President of the Prison Reform Association of Louisiana, director of the Charity Organization Society, member of the American Bar Association (of which he had been Vice-President for Louisiana), and a member of the local bar; member of the Louisiana Society, Sons of the American Revolution, being descended among other Revolutionary ancestors from Captain Jonas Parker, who was killed at Lexington; member of Corinthian Lodge, F. & A. M., of which he was past master; member Paragon Lodge, Knights of Pythias, having been grand chancellor of Louisiana and past supreme representative and member of the Stonehenge Grove, U. A. O. D. He was also past patron of the Order of the Easter Star.

Mr. Waldo was for many years a member of this Society and an active participant in all of the great celebrations conducted by the Society for the last twenty years.

He was a member of the Shakespearean Society of New Orleans, and attorney during almost his entire legal career for the Market Gardeners Mutual Benefit Association, and at its annual banquets his address was always looked forward to with interest.

As an after-dinner speaker probably Mr. Waldo had no superior in the City of New Orleans, and as a presiding officer he was calm, dignified, impartial and courteous to all.

The residence of Mr. Waldo was the old homestead of his wife's parents and the house in which he was married and where he lived for many years. His wife was Miss Odette Francke, and

he leaves five children, Miss Odette Waldo, Miss Carrie Waldo, Edwin E. Waldo, John F. C. Waldo and Rudolph H. Waldo, and a sister, Miss Caroline Waldo.

The world is better because Mr. Waldo lived in it and his passing away leaves a void that time only can fill. In his death his State and City have lost a prominent citizen, ever alive to the interest of both; his friends, a companion and confidant, and his family a loving husband, father and brother, and to them we extend our sincerest and earnest sympathy.

We ask that this memorial be spread upon the minutes of the Society, upon a page specially devoted thereto, and that copies hereof be sent to the members of his family.

Respectfully submitted,

W. O. HART, Chairman;
JOHN C. DAVEY,
J. ZACH SPEARING.

MINUTES OF MEETINGS LOUISIANA HISTORICAL SOCIETY, 1923

Grace King, Secretary.

JANUARY.

The Louisiana Historical Society held its regular monthly meeting on Tuesday evening, January 30, in the Cabildo. The attendance was only fair. The Secretary read the Minutes of the previous meeting, which were approved.

The following were elected members of the Society: Charlton R. Beattie, Louis P. Bryant, Jr., Walter J. Burke, F. A. Dicks, Ivy G. Kittredge, Robert C. Milling, W. J. Mitchell, Judge Charles O'Neill, General H. J. Peter, Dan A. Rose, Thomas Sloo. Richard Alfred Uhalt, Isaac Wise, John P. Coleman, Dr. E. W. Dupaquier, Félix Limongi, Mrs. Theodore Grunewald, Mrs. John A. Maught, Mrs. A. S. McBurney, Miss Emma Carriere, Miss Sally Dart, Miss Lilian Abiston.

The Secretary read a communication from M. Roger de Chouquais, asking information about the family of Montaut de Montberrant, who had emigrated to Louisiana from St. Domingo after the insurrection of negroes there.

The annual election of officers resulted in the old Board being retained, Messrs. Renshaw and Lafargue succeeding to the two Vice Presidents who had resigned.

Mr. Henry M. Gill was elected to the place of Corresponding Secretary, made vacant by the resignation of the esteemed and valuable Héloise H. Cruzat, a faithful and brilliantly capable worker in the Society.

Mr. Parsons made a report on the recent banquet given by the Historical Society in honor of Admiral Pakenham. He suggested that the custom of giving an annual banquet on the 8th of January be maintained, but no action was taken thereon.

A question was then taken up which provoked a sharp and animated discussion. This was whether the Historical Society answer the request made by a railroad corporation to publish an authoritative statement as to the meaning of "Creole" in order to confute misconception on that subject. The matter was referred to the Executive Committee.

Mr. Lafargue read the paper of the evening, "The Story of Three Flags," being an elaborate statement of his account published in the American and French papers of his mission to France to bear the flag of New Orleans to the Municipalities of Paris and Orléans. The paper was most complete as to details and forms a brilliant record of Mr. Lafargue's accomplishment of the pretty commission entrusted to him.

With delicate attention, Mr. Joseph Mitchell Pilcher placed in each chair a copy of his poem, "France," written by him on the transport that bore him from France to the United States. Mr. Pilcher was one of the boys of the 65th Coast Artillery Corps of the A. E. F.

No further business presenting itself, the Society adjourned.

FEBRUARY.

The regular monthly meeting of the Louisiana Historical Society was held in the Cabildo, February 27, at 8 o'clock. In the absence of the President, the Vice President, Mr. Parsons, presided. The Secretary read the Minutes of the previous meeting, which were approved.

The following were elected members of the Society: Mrs. R. S. Joffing, Charles C. Hard, G. William Nott, Miss Mary Tennant, Mr. Salomon Roccaforte.

Mr. Hart read an eloquent and moving tribute to Mr. Bartholomew Sullivan, recently deceased, a faithful and useful member of the Society. It was listened to with sympathetic attention.

The Secretary read two extracts sent to her by Mr. William Beer from copies of documents of the Shelborne MSS. recently acquired by the Howard Memorial Library, relating to the history of New Orleans and Louisiana, in 1766. They proved to be keenly interesting.*

Mr. Gill presented to the Society, on behalf of Mrs. Owen Walker Brown, an inkstand and pen used by Gen. B. F. Butler in New Orleans in 1862. Mr. Gill read the following attested statement of the donor relative to the acquisition of the same at an interview between that officer and Mrs. Malvina Livingston McKay, the grandmother of Mrs. O. W. Brown:

"Mrs. Malvina Livingston McKay, having declared herself an enemy to the United States, in the words of the times a 'rebel' (she being a native of South Carolina), was ordered 'across the

*These were published in Quarterly for 1923, p. 19 and p. 221.

line' and also to present herself in person to Gen. Butler at headquarters at New Orleans, La.

"While there under guard of sentinel, Gen. Butler being called from his desk for a few moments, Mrs. McKay (when the guard's back was turned) poured contents of inkstand in Butler's desk over papers and placed inkstand and ruler in her umbrella and after short interview was dismissed with just so many hours to get such personal effects as needed to be sent 'across lines.'

"Mrs. McKay's mother was Mrs. Margaret McLean Livingston, a British subject, and she claimed British protection for herself and all under her roof; this then permitted her daughter to remain and Mrs. McKay accomplished some wonderful work for the Confederacy by smuggling soldiers in and housing them until they could make their 'getaway.'

"Presented to the Louisiana Historical Society by Mrs. Owen Walker Brown, granddaughter of Mrs. Malvina Livingston McKay."

Mr. Dart having been called away from the City on business, his number on the programme was omitted, and Col. George Soulé's contribution failed, as the author was prevented from attending the meeting by the uncertain weather.

Mr. Mitchell Pilcher then read his promised paper on "Henry Clay in New Orleans," in which Mr. Pilcher contributed much new and original information concerning Mr. Clay, such as could only be acquired by painstaking research. He was voted the thanks of the Society.

Mr. W. O. Hart, apropos of the Butler gift and the mention of Dr. Mercer by Mr. Pilcher, read from Butler's "own book" the account of the interview between him and Dr. Mercer, when the venerable gentleman of 80 came to him to beg for Mumford's life and was refused.

This brought the meeting to an end, and the Society adjourned.

MARCH.

The Louisiana Historical Society held its regular monthly meeting on the evening of March 20, at the Cabildo. The attendance was not large. After the reading of the Minutes, which were approved, the following persons were proposed and elected members of the Society: Miss Margaret E. Cross, Miss Irene Barrow, Miss Rosina Hewes, Mrs. Anna Hewes Denis, Mrs. F. John, Mrs. Lilian Johnson, Mrs. Piere Engman, Robert Ewing, C. G. Swanitz, L. H. Moss, Henry W. Young.

Mr. W. O. Hart presented on behalf of the owner, as an original historical souvenir, the first pair of shoes ever manufactured in New Orleans.

Mr. H. P. Dart read a paper entitled "Episodes of Life in Colonial Louisiana"* based on records in our archives. He presented his serious subject with a touch of humor and modern-day illustration. It was enjoyed by the audience and received much applause.

Mr. Hart then read a lengthy paper on the women whose names were to be presented by the Colonial Dames and Daughters of 1812 and 1776 as their candidates for the Hall of Fame. They were: Margaret Haughery, Mrs. Nicholson (Pearl Rivers), Mrs. Townsend (Xariffa), Mrs. T. G. Richardson, Miss Grace King.

Mr. Hart then presented the following resolution, which was adopted:

"WHEREAS, a movement is said to be under way in the City of Washington, the Capital of the United States, to move from Lafayette Square, to some other place, the equestrian statue of Andrew Jackson, which was unveiled with elaborate ceremonies on January 8, 1853, more than seventy years ago, followed by the unveiling of the statue to Jackson in Jackson Square in this City, February 9, 1856, and by another statue to Jackson in the City of Nashville, Tennessee, on May 29, 1880, where Louisiana was represented by many of its citizens, including four veterans of the War of 1812; the three statues by the great artist, Clark Mills, represent immortal tributes to the memory of the hero of New Orleans and the seventh President of the United States, one in the Capital of the Nation, which he so well served for eight years as its Chief Executive, one in New Orleans, where he won undying fame as a military leader, and one in Nashville, his home, and to remove any one of them would destroy the unity thereof, and be a desecration, which should not be allowed or tolerated; and the Louisiana Historical Society, whose work is the preservation of history, memorials and monuments connected with the history of Louisiana, is vitally interested in seeing the statue remain where it is; therefore, be it

"*Resolved*, by the Louisiana Historical Society, in general meeting assembled, that it protests against the removal of the statue of Andrew Jackson from its place in Lafayette Square, Washington, and calls upon the Congress of the United States and the Commissioners of the District to prohibit such removal; be it further

"*Resolved*, that copies of this resolution be sent to Senator J. E. Ransdell and Representatives James O'Connor and H. Gar-

*See 1923 Quarterly, p. 35.

land Dupre, all members of the Society, with the request that they place same before the proper authorities and use their best endeavors to have the statue remain where it has been for over three score years and ten."

The Secretary as requested sent copies of it to Senator Ransdell and to Representatives James O'Connor and H. Garland Dupre and received from them the following replies:

From Mr. O'Connor:

"Replying to your letter of the 18th ult., which just came to hand, enclosing copy of resolution offered by Mr. Hart, with reference to the equestrian statue of Andrew Jackson in Lafayette Square, Washington, D. C., beg to inform you that I am this day transmitting the resolution to the President of the United States for his informaion and guidance.

"I know that it is needless for me to inform you that I will do everything in my power as a Congressman to prevent the removal of the statue which, of course, is in line with the persistently insidious movement to minimize the importance of the Battle of New Orleans, if not to entirely negative and obliterate its memories. I sometimes think that 'whither goest thou' might well be asked of the predominant influence in the life of America coupled with the warning conveyed in the words: 'Lest we forget.'

"Mr. Hart knows, I am sure, of my humble efforts to keep alive the memories of the immortal victory achieved by American arms under the dauntless leadership of Andrew Jackson on the Plains of Chalmette, particularly during my membership in the House of Representatives."

From Mr. Dupre:

"I beg to acknowledge receipt of a copy of a resolution adopted by the Louisiana Historical Society, concerning the removal of the Jackson statue from its present site in Washington.

"I am glad to advise you that I am in accord with the views of your organization in this connection, and will vigorously oppose any action taken looking to the removal of the Jackson statue."

APRIL.

The Society held no stated meeting this month and in lieu thereof devoted the evening of April 27 to the King celebration, reported in LOUISIANA HISTORICAL QUARTERLY for July, 1923, p. 1.

MAY.

The regular monthly meeting of the Louisiana Historical Society was held on Tuesday, May 29, at the Cabildo. There was a good attendance of the members. Mr. Cusachs presided.

After reading the Minutes, the following names were presented and they were elected to membership: Miss Margaret Adams, Thomas T. Bar, Dr. T. J. Dimitry, James T. Dwyer, Gilbert J. Fortier, Mrs. Lilly Kenny, W. A. Levertt, A. D. McBryde, Mrs. Mary S. McBryde, Mrs. R. J. Person, Mrs. James W. Smithers, Miss Theo Self, V. H. Sonderegger, Mrs. Graham Surgnor, Mrs. S. O. Thomas, Farley Vincent, C. S. Williamson, Mrs. H. B. Thorpe, Mr. Henry Tharp, Mrs. Kate Prescott Carter.

The Secretary opened the programme by speaking of a proposal of some members of the Historical Society to form an association for the preservation of old historical tombs in the cemeteries of New Orleans, some of which are in a ruinous state from neglect. Mrs. H. H. Cruzat, Miss Laura Porteous, Mrs. E. X. Deverges, and Mrs. Helen Thorpe, Mr. George Kernion and Miss Grace King had given their names as sponsors of the scheme, and they asked the endorsement of it by the Historical Society. Mr. Parsons at once offered a resolution to this effect, which was passed. There was some little discussion over the working of such a society, the enrollment of members, and the membership fee, which was placed at $1.00 a year.

Mr. W. O. Hart, on behalf of Dr. and Mrs. Lerch, presented two beautiful prints of Audubon animals; also from Trinity Church, *The Record,* containing an account of their recent celebration of the seventy-fifth anniversary of the founding of Trinity Church.

The paper of the evening was given by Judge Percy Saint. It was entitled "Impressions of Thomas Jefferson." It was listened to with great attention. Serious, almost severe, in style, carefully and deliberately composed, it evinced the thought of a judicial mind on the great question of the ideals of Democracy, assailed by latter-day propaganda of adverse political partisans. Judge Saint pleased by his manner, as well as by his paper, and at its conclusion received prolonged and enthusiastic applause. Mr. Parsons, in proposing a vote of thanks, added a sentence or two of personal appreciation of the great subject. Mr. W. O. Hart made one of his short speeches filled with his usual pithy humorous additions that he never fails to contribute to any subject pertaining to American history. With a vote of thanks to Judge Saint, the Society adjourned.

JUNE.

The monthly meeting of the Louisiana Historical Society took place on Tuesday evening, June 26, in the Cabildo. The attendance was regrettably small.

After the reading of the Minutes by the Secretary, the following were elected members of the Society: E. W. Dreibholz, B. T. Hanley, Miss Caroline Richardson, Miss Josephine Richardson, Judge Percy Saint, Prof. Henry Wehrman, Mr. Franklin L. Holmes, Mr. F. P. Burns, Mr. Leon Sugar.

The Secretary asked permission of the President to make a report for the Society for the Preservation of Historic Tombs, mentioned in the last Minutes. She was pleased to say that the Society had been formed, under the best auspices, had held a meeting, and elected an efficient board of officers.

The first paper on the programme was "Adrien Rouquette, Poet and Mystic," by Mr. G. William Nott, who was presented to the Society in the most complimentary terms by Mr. Cusachs. The paper was admirably read by Mr. Parsons, who brought out its fresh, youthful charm. The paper gave a biographical sketch of Abbé Rouquette, and explained that the Abbé's verses were not so well appreciated because they were written in French, a tongue little known out of Louisiana.

Mr. Cusachs and Miss King added a few personal notes of their acquaintance with Abbé Rouquette, which added to the interest of the paper. The Society listened with attention to the reading, and heartily applauded the work of the author, who, it is hoped, will prove a good recruit to the working force of the Society.

Mr. W. O. Hart gave a very clear, succinst résumé of the history of Flag legislation in Louisiana; it was most pleasing to the audience, who listened with interest to its full and easily assimilated information.

The last paper, "Eliza Jane Poitevent Nicholson, a Tribute," was given by Mr. James Renshaw. It was an informal reminiscence of the remarkable woman, whom he had enjoyed the privilege of knowing. A sketch of her life, her personality, the good work she had accomplished in the newspaper world of her day in New Orleans were graphically and pleasantly related. At its close a vote of thanks was proposed and carried.

A very pretty flag of the Philippine Islands, the gift of Mr. Joseph N. Wolfson of Manilla, was presented to the Society by

Mr. W. O. Hart. The following resolution of Miss Emma Zacharie, seconded by Mr. Hart, was ordered laid before the Executive Committee:

"*Resolved,* by the Louisiana Historical Society, that the City Council be requested to confer with its Executive Committee when new names are given to the streets which now have duplicate names, and that the Society endeavor to impress upon the Council of the City of New Orleans the importance of naming some great street, avenue or boulevard after Jefferson, through whose foresight and initiative the Province of Louisiana, from which has been carved thirteen States, became part of the United States."

Mr. Parsons, rising, reported that the Executive Committee had the matter of the resolution in consideration and were prepared to act upon it.

There being no further business, the Society adjourned.

JULY, AUGUST, SEPTEMBER.

The Society, after its custom, held no meetings during these months, but on August 3, 1923, the officers of the Society and some of the members attended at the Cabildo to meet General Goureaud of France and at the request of the President of the Society the Secretary made a minute of the meeting in order to preserve the memory of the notable occasion.

General Goureaud appeared at the Cabildo at about 10 o'clock in the morning and was escorted up the great stairway by Mr. Cusachs and Mr. Parsons, followed by an escort of the American Legion. In appearance, he was a reminder of our beloved Stonewall Jackson. Easy and unaffected in manner, he produced an impression on his hosts not soon to be forgotten. He looked with keen interest on our historical relics, making a long pause before the Napoleon mask, and before the case of medals conferred by France on the Secours Louisianais.

In a few hearty words, pronounced in a resonant, soldierly voice, he expressed his admiration of the venerable building and its records, and his appreciation of his reception.

Out of respect to President Harding, whose death had just been made public, all music and festive celebration was omitted.

OCTOBER.

The Louisiana Historical Society held its regular monthly meeting on October 23, in the Cabildo, with a good audience present. The Minutes of the previous meeting were read and

adopted. An addendum to the Minutes, a report of the visit of General Gureaud to the Cabildo on August 3, 1923, was also read. The following were elected members of the Society: A. J. Bordelon, Henry Cucullu, Mrs. W. K. Dart, Miss Edna Doll, J. E. Edmonds, J. H. Feeney, A. P. Frymire, C. C. Gaspard, E. T. George, Miss Augusta Gordon, Harry Hardie, Leonard K. Nicholson, A. G. Palfrey, Mrs. A. P. Perrin, Esmond Phelps, Mrs. Edith D. Price, H. Grady Price, T. D. Sadler, Father Scherermesser, F. J. Shuber, Emile Simon, New Iberia; Mrs. Albert Toledano, Judge W. W. Westerfield, Miss Laura C. Miller, Miss Constance Du Quesnay, Louis Wakeman; F. R. Waller, Baton Rouge.

The President made the announcement that Mr. Henry P. Dart, who was to have read the paper of the evening, being unavoidably prevented, his son, Mr. Henry P. Dart, Jr., would replace him. This was done to the satisfaction of all. The paper, "A Glimpse of the History of West Feliciana," was written by Miss Louise Butler, and it fulfilled the pleasant anticipations that were formed in advance of its interest and importance as a contribution to the Society. Written in a spirit of filial devotion to her parish, Miss Butler neglected no particular that might enhance its attractiveness. With leisurely grace of language, she narrated its geography, history, and its elegant social life in the days of its prosperity, giving numerous and brilliant presentments of its heroes and heroines of the past. Her literary offering to the Society sets up a fine example for the writing of the histories of our parishes, a department of our work which it is devoutly hoped daughters and sons of the Louisiana parishes may be tempted to follow.

At the end of the reading, Mr. Parsons, after complimentary remarks to the writer and reader of the paper, proposed a vote of thanks to both, which was cordially awarded.

Mr. Hart offered a suggestion that the Society give its annual banquet on the 16th of January, the date of the Packenham banquet, and that hereafter this date be selected for the annual banquet of following years, a banquet being adopted as a regular celebration of the Society.

There being no further business, the meeting adjourned.

NOVEMBER.

The Louisiana Historical Society held its regular monthly meeting on the evening of Tuesday, November 27, in the Cabildo.

Owing to the exceedingly unfavorable weather, the attendanc was scant; in fact, so few members being present, the officers hesitated about holding the meeting. The President being absent, the Vice-President presided.

After consultation with the Treasurer and the Recording Secretary, he decided to follow the regular routine of business, but to omit the paper of the evening, which was to be deferred until an audience commensurate with its importance and dignity should be assembled.

The Secretary read the Minutes of the last meeting, which were approved. The following persons were elected members of the Society: Mr. Leigh Carroll, Dr. Richard S. Crichlow, Mrs. Marie Kaufman McClean, Hunter C. Leake, Mrs. J. O. Nixon, John J. Sheehan, John M. Woolsey, P. A. Boudreaux, Miss Josie Cerf, Mrs. C. G. Hearsey, C. G. Hearsey, Mrs. R. D. Bowen, R. D. Bowen.

The resignation of Dr. C. Edmund Kells was accepted.

The Secretary, Miss Grace King, reported that, having written to the distinguished French author, M. Louis Bertrand, a letter complimenting him on his recently completed history of Louis XIV, she took occasion to express her disappointment that he had made no mention of the great colonial work of the King, notably the discovery of the Mississippi and the founding of Louisiana. In reply she had received the Journal of the French Colonial Institute, in which her letter was printed in full, with the author's answer to her criticism. He and the Journal both expressed great gratification at the interest manifested, so far away, in the history of Louis XIV.

Miss King then spoke of the great collection of books, manuscripts and historical relics of Mr. S. J. Schwartz, recently opened to the public, giving a summary account of some of the precious treasures it contained. She closed with offering the following resolution, which was enthusiastically passed:

"Resolved, That the Louisiana Historical Society tender to Mr. S. J. Schwartz earnest and cordial congratulations on his great success in making his notable collection of historical documents, artistic curios, rare books and pictures, a collection that will redound to the credit of the city and be a source of pride to its citizens.

"And furthermore, in the name of the city and its citizens, the Society takes this occasion to thank Mr. S. J. Schwartz for his noble generosity in throwing open his inestimable collection to

the public, thereby affording new access to the great road of intellectual progress, the frequentation of which fixes the imperishable standards of culture of cities and countries."

Mr. Henry P. Dart, Jr., at the request of his father, Mr. Henry P. Dart, who was unavoidably detained, gave notice of the following amendment to be voted on at the next meeting of the Society:

> Amendment to Article II, Section 1, by adding:
>
> "The Society may, in its discretion, elect from its members an Honorary President, with such additional duties as shall from time to time be prescribed by the Executive Committee."
>
> Amendment to Article VII so as to provide that the dues of the Society shall be three dollars per year from and after January 1, 1925.

Mr. W. O. Hart, on behalf of Mr. Charles Ulhorn, a nephew of Major Harrod, the late distinguished citizen and member of the Historical Society, presented to the Society the sword carried by him in the Civil War, and read a sketch of Major Harrod's life. It was listened to with marked interest. Mr. Parsons accepted it in a graceful speech.

Mr. Hart then presented on behalf of Messrs. Dave and A. H. Morris a portrait of General Beauregard, which had been painted in 1868 for their father, the late John A. Morris. After a proper acknowledgment by Mr. Parsons, at Mr. Hart's suggestion, the next meeting of the Society was fixed for the 18th of December so as not to conflict with the Christmas festivities, and thereupon the meeting adjourned.

DECEMBER.

The last meeting of the Louisiana Historical Society for 1923 took place on Tuesday, December 18, in the Cabildo, the date of the meeting having been advanced on account of Christmas falling on the regular day of meeting.

The Minutes of the last meeting were read and approved. A large number of new members were admitted to the Society.

Mr. Dart asked the Society to take action on the amendments to the Constitution that he had proposed at the last meeting.

Amendment to Article II, Section 1, by adding: "The Society may, in its discretion, elect from its members an Honorary President, with such additional duties as shall from time to time be prescribed by the Executive Committee," which he explained

briefly as a measure to ensure the continuance in office of past Presidents, with an honorary title conferring distinction, and of adding to our roll of officers any distinguished citizens whom the Society might wish to honor.

Mr. Wilkinson moved that the proposed amendment be referred to the Executive Committee, which, if it approved, could submit it to the Society.

Mr. Pilcher then arose and proposed to postpone further discussion until next meeting. Mr. Dart accepted this proposal and further discussion of the amendment was postponed to the next meeting of the Society.

Amendment to Article VII, so as to provide "That the dues of the Society shall be three dollars from and after January 1, 1925."

Mr. Dart moved the adoption of the proposed amendment and supported his motion with a careful analysis of the income and expense of the Society for a number of years, in which he showed that our income in the past had not been sufficient to enable us to do urgent and necessary things which it was our clear duty to do, such as indexing the invaluable manuscript collections from French and Spanish archives and other papers and books accumulated by the Society in previous years at considerable expense. These great collections, he said, were practically inaccessible for want of indices and guides to their contents. They would unquestionably come into immediate use if properly indexed and calendared and their use would, besides, greatly enhance the Society's reputation and bring additional renown to the City of New Orleans. Other things of like character were mentioned, including the setting aside of a proper fund for the maintenance of the LOUISIANA HISTORICAL QUARTERLY, which, under its present management, is a business operation of real magnitude. Its quarterly numbers are a substantial addition to the pleasure, interest and profit of the members and in the speaker's judgment these would gladly contribute a small increase in the dues to guarantee the continuation of this valuable publication, and to help the Society to do the work previously outlined. Mr. James Wilkinson seconded the motion and took occasion to say that he concurred heartily in Mr. Dart's view of our duty in regard to the archives of the Society and to the Quarterly. Mr. Hart said that, while he doubted the propriety of raising the annual dues, as he feared it might have a depressing effect on our

membership, he would not oppose the amendment, as it did not go into effect until 1925 and in the interim the opinion of the members could be developed and if the increase seemed unsatisfactory the amendment could easily be repealed.

The vote was then taken by aye and nay call and the amendment was adopted unanimously.

According to the programme, the reading of the memorial addresses to deceased members should then have followed, but, as much of the time of the meeting had already been consumed, Miss King proposed that "the reading of the addresses be postponed"; this was instantly approved. Mr. George C. H. Kernion was then called upon for his paper on "De Verges," a full and carefully written account of a man and his work, generally slighted by our historians for want of the documents that Mr. Kernion had procured from France. Mr. Dart aptly expressed the opinion of the students present when he said it was a paper that the Society had long needed and hoped for. Mr. Kernion was much complimented on his paper.

Mr. Hart read an interesting report from the Street-Naming Committee. It was listened to without comment and neither approval nor disapproval was expressed.

The meeting then adjourned.

EDITOR'S CHAIR.

HENRY P. DART, Editor.

HISTORICAL RESEARCH IN LOUISIANA 1923

The Quarterly for 1923 reflects the activity of the editorial board, and the great service the Louisiana Historical Society is rendering the future of history in Louisiana. It is a proud record and some of its salient features may be set up here as a beacon for 1924. The leading feature in 1923 was the opening up of the Spanish Judicial Records through the medium of the Calendar of important papers prepared by Miss Porteous in connection with the Index to those documents, which is moving along rapidly under the supervision of the Archivist of the Society.

When the historian of the law in Louisiana arrives, he will find, in this series, his primary source of information for the Spanish era. In the meantime, we earnestly recommend its perusal by everyone and particularly by lawyers and judges. The story there told is not only human and interesting but it is a laying bare of the foundations of things that are being done to-day in our courts and very much after the like manner. Four instalments of this important work have appeared in our pages during 1923 and they will be continued in the Quarterly during 1924.

Alongside the Spanish Index, there has been steady progress of the work of Mrs. H. H. Cruzat on the Records of the Superior Council of Louisiana, which is now approaching 1740. That year and the subsequent years to 1769 have hitherto been blank in our sources for a knowledge of that system. This French card index is necessarily brief in the individual instance, but the twenty-one instalments already published bulk large in material for the historian. Indeed the Quarterly has through this medium discovered and published many indispensable documents, illuminating all phases of French rule in Louisiana.

It has besides drawn attention to this abundant material which must be consulted in the future, and this point of view has already been caught and our work is now being utilized and will be more and more utilized hereafter. Our pages for several years have reflected the results in papers that have from time to time been read before the Society. The coming year will show even greater benefits arising out of this earnest research.

The Quarterly here is doing archive work at a minimum cost for the State of Louisiana of a character similar to governmental operations at Washington, D. C., in Canada and in Illinois, Minnesota and Wisconsin, where the greatest activity prevails, supported by funds which so far the State of Louisiana has not been able to supply.

Among new material, the Quarterly for 1923 has printed, from our archives, the translation of Almonester's will, and the Trial of Mary Glass. Its contributors have furnished a valuable instalment of previously unknown letters of Andrew Jackson, a study of the Nicholls family in America and that vivid paper, "War as I Saw It," describing the personal experiences of a private soldier in the Confederate Army in 1861-65. The account from our archives of the Inauguration of De Vaudreuil and of a Session of the Superior Council in 1744 and other papers of like character are absolutely new things in our history.

On other lines our ability to produce a paper like the History of the Cabildo of Mexico City, 1524-1534, would alone justify the existence of the Quarterly, for here is a first-hand study of the origin and operation of an Institution that was the lineal predecessor of our own Cabildo. It furnishes the material for an understanding of that body that has not been accessible before.

Another contribution of importance was the reprint of Bernard Marigny's Reflections on Jackson's Campaign of 1814-15 at New Orleans. This preserves a fine translation of Marigny's paper made by an accurate and accomplished scholar setting forth the contemporary local point of view of a disputed issue in our history, and a knowledge of this paper is necessary to an understanding of that famous event in our annals, the Battle of New Orleans.

This slight resume does not exhaust the work of the Society or of the Quarterly during 1923, but enough has been said to warrant the statement that Vol. 6, January-October 1923, has set a high mark in the history of historical research in Louisiana. We may add that the material in hand for 1924 authorizes the prophecy that this year will surpass in richness and quality any previous year of our work.

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA

Publication of the twenty-second installment of the Records of the Superior Council of Louisiana has been postponed until the next issue of the Historical Quarterly, owing to unavoidable delay in the preparation of the copy.

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA

V.

(Continued from October, 1923.)

1770—March 2nd.
Salomon Malline vs. Mrs. Boisclair.
No. 4059. 7pp.
Court of Alcalde Trudeau.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a bill.

Salomon Malline, by petition signed by Leonardo Mazange, attorney, claims from Madame Louise Darensbourg, widow in community of Boisclair (Christian name not given in the text), 764 livres on decedent's note for merchandise, together with 50 sols, costs of a previous opposition. "The debt has been due a long time and he needs the funds."

The Alcalde, March 5, orders the widow to appear within the time fixed by ordinance. Jacques Hallays, deputy sheriff (Lieutenant de l'alguacil Mayor, or Teniente de alguacil mayor), certifies, March 7, he served copy of the petition and order on defendant at her home on Bourbon street, speaking to a negro servant (une negresse domestique) with due injunctions to appear. April 5 the Alcalde declares he has not obeyed the order and renders judgment by default for the amount claimed and costs. All the foregoing papers are in French.

October 22, Malline petitions, avowing that the defendant has failed to pay the judgment, and asks she be ordered to appear and verify her husband's signature to the note and that this be transmitted to him for further legal proceedings. The Alcalde enters an order accordingly. November 29, he petitions again saying defendant has not obeyed the order, and as she does not live in the city asks for a summons to be delivered by a proper person. Granted by the Alcalde. December 11, Luisa Darensbourg, widow of Boisclair (first name not given), appears before Garic, clerk of the Cabildo, and signs an admission of the signature of her husband and that his succession owes the debt. December 14, Malline petitions, saying that, the widow having admitted the signature and the debt, he is entitled to execution against her person and estate for the debt, the tenth and costs. The Alcalde orders the petition referred to the Assessor General for advice. December 22, 1770, plaintiff petitions to withdraw the suit and for the return of the note. Assessor General Cecilio Odoardo approves and the Alcalde grants the request and orders the costs to be taxed and paid as the parties have agreed on.

Garic, clerk of the Cabildo, taxes costs at 9 pesos 5 reales, including 10 reales to the Assessor.

The papers from October 22 are in Spanish.

1770—March 2nd.
Pictet, resident, vs.
Mr. Raguet.
No. 4078. 12pp.
Courts of
Alcaldes Trudeau and Forstall.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect 3 notes.

Gaspardo Pictet by his attorney, Leonardo Mazange (the authority of counsel being evidenced by written procuration as is the rule of this period), sues Francisco Raguet on 3 notes dated in 1766-7 aggregating 15555 livres 10 sols, praying defendant be ordered to present himself in Court and that he be condemned to pay the debt. March 6, the Alcalde orders defendant to appear within the delay of the ordinance (Dans le delais de l'ordinance)* Jacques Hallays, deputy sheriff (Teniente del Alguacil Mayor), certifies March 7 to the service of the petition and order on a negro servant in the defendant's house with instructions to appear. March 17 the Alcalde again orders the defendant to appear and on May 12 renders judgment by default. May 12, final judgment is entered for the full amount. Plaintiff's counsel petitions for execution against the property of the defendant. This the Alcalde refers to the Assessor General. June 27, Cecilio Odoardo, Assessor, rules that Raguet must appear, swear, declare, and acknowledge before Garic, clerk of the Cabildo, his signature to the notes and amount of the debt, and that Mazange must present his procuration to the Cabildo. October 22 plaintiff petitions, saying that the defendant has not complied with the Court's orders to verify his notes and signature. That he has thereby suspended the course of justice and plaintiff prays that on advice of the Assessor General the Court will use all lawful means to oblige defendant to verify notes so that plaintiff may thereafter proceed for the preservation of his rights. The Alcalde refers this to the Assessor General.

The record shows no further proceedings until May 29, 1771, when Juan B. Garic, clerk of the Cabildo, presents a petition stating that, being recused at the request of the party (which party not stated), he prays for taxation of his costs. The Alcalde, on the advice of the Assessor, orders the clerk of the Cabildo to tax the costs, including 10 reales, to the Assessor and when this is done, if the defendant does not pay same within one day, "let one of his slaves be seized and put in prison by virtue of this decree." The costs taxed the same day at 11 pesos 5 reales. January 13, 1772, plaintiff petitions for return of the notes and of a letter of Raguet and it was so ordered and Pictet's receipt is on file.

Evidently Raguet was a favored suitor but the record is silent as to action by the Assessor on the reference of October 22, 1770, and there is nothing to indicate that Pictet compromised or settled the suit.

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*This would indicate they were still following the rules of procedure of the French period.

1770—March 2nd.
Mrs. Duburg (Marie Dubourg) **vs. Mr. Menard** (Luis).
No. 4025. 7pp.
Courts of Alcaldes Trudeau, Forstall and Amelot.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a note.

Plaintiff sues Louis Menard, a merchant of Natchitoches, for 600 livres in money of the colony on a note dated March 30, 1764, which she has been unable to collect. She prays that defendant be condemned to pay this amount together with interest, costs and expenses under penalty of seizure, and that he be forbidden to leave the city until he has obeyed the Court's orders. Orders issued accordingly. Defendant, notified of the decree, failed to obey, and on March 28 a judgment by default is rendered against him. November 5, 1770, Marie Dubourg declares that she has already obtained a decree of condemnation; she now prays for a writ of execution to the extent of the debt, with costs it has occasioned. Court sends this petition to Assessor Odoardo, who, on May 17, 1771, advises Nicolas Forstall, now Alcalde, to order Louis de Menard to verify his note and to swear and declare that he owes the amount stipulated. On the same day under oath before Garic, clerk of the Cabildo, Luis Menard acknowledges that he owes Mrs. Dubourg 600 livres.

May 25, 1771, Luis Menard and Leonardo Mazange, attorney for Mrs. Dubourg, declare that there is an agreement with the other creditors to suspend all proceedings. It therefore becomes necessary to tax costs, which Menard consents to pay. Petition granted.

Garic, clerk of the Cabildo taxes costs at 8 pesos, 2 reales.

May 13, 1772, Marie Jeanne, widow of Lacou Dubourg, presents herself before Alcalde Hipolito Amelot and petitions for the return of her original note, which has never been paid. Petition granted. On the margin of the first petition, written partly in Spanish and partly in French, dated May 17, 1772, signed Cadet Dubourg, acting for his mother, is a receipt for the original Menard note of 600 livres delivered to him by Garic.

March 2nd.
Louis Harang vs. Mr. Raguet.
No. 4044. 7pp.
Court of Alcalde Trudeau.
Escribano, Garic

To collect a note.

Plaintiff alleges defendant owes him 550 livres on note, dated October 17, 1766, for furniture from Bordeaux, and prays an order to pay the debt with costs and expenses paid. Granted. Raguet fails to obey Alcalde Trudeau's decree; March 28, judgment by default entered and May 9, 1770, plaintiff declares he has obtained a decree against defendant, who was notified of it by Escribano Garic, but the debt has not been paid. He prays for a writ of execution against Raguet's property to the extent of the debt, expenses and costs. May 10, Alcalde Trudeau orders debt paid under penalty of constraint and seizure.

May 26, 1770, Louis Harang makes a second petition for a writ of execution against defendant's estate to the extent of debt, its one-tenth interest, and costs. June 28, 1770, Trudeau orders Raguet to appear before the clerk of the Cabildo to verify his signature and to acknowledge under oath that he owes the amount stipulated. September 6, 1770, he declares that the signature is his and that he owes the debt. September 9, 1770, plaintiff prays for execution since defendant has verified his note. The Court orders this petition sent to the Assessor General for legal advice. The record ends here.

1770—March 2nd.
Thomas Poree vs. Daunois (Daunoy) **and Loppinot.**
No. 4073. 10pp.
Courts of Alcaldes Trudeau and Forstall and Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a note.

Thomas Porée, in his own name, and as tutor to the Cazelar minors, alleges that Daunoy as bondsman for Loppinot owes him 100 piastres gourdes on a note signed by Loppinot, dated February 14, 1769, which he has been unable to collect. He prays defendant be summoned and condemned to pay his debt. Granted. Daunois failing to obey Trudeau's order, a judgment by default is rendered against him March 28.

May 7, plaintiff states that he has obtained a decree of condemnation for 500 livres, or 100 piastres gourdes, against Daunois on a note signed by Loppinot, with the said Daunois as security. He has been unable to collect this amount so he prays for an order of execution against the surety's movable and immovable estate to the extent of the debt, costs and expenses. The Court orders Daunois to declare before the Clerk of the Cabildo that he agreed to be surety for the note, and that the signature is his.

January 10, 1771, the case is resumed against Loppinot, who has returned to the Province. Porée sets forth that he has been unable to collect a note of 448 livres 8 sols 9 derniers (shrinkage in value of old French money) from Daunoy, bondsman of the said gentleman, during his absence. He prays that Loppinot be summoned to verify his signature and acknowledge the debt. Granted. Escribano Garic certifies he was unable to notify Loppinot as he could not find him. On January 19, Porée avers that, since the Escribano was unable to locate Loppinot, he prays for a writ of citation to be entrusted to the proper person for delivery summoning defendant to appear within a short space of time. The Court summons defendant to appear within three days. February 22, 1771, citation issued, and in March Santiago Hallays, deputy sheriff, notifies Escribano Garic that he delivered the same to Loppinot.

October 27, 1772, Maria Vincent, widow of Thomas Porée, appears before Governor Unzaga, declaring that she and Mr. Loppinot have reached an amicable agreement, and prays the original notes be returned to her, and the costs taxed. Referred to the

Odoardo and upon his advice, on October, 1772, the Court rules: "With consent of both parties, suit is cancelled, original notes must be returned to plaintiff, and taxation made of costs."

Garic, clerk of the Cabildo, taxes costs at 13 pesos 4 reales.

1770—March 5th.
Enrique Voix vs.
Gregorio Baron.
No. 4115. 24pp.
Courts of Alcaldes de la Chaise and Chabert, de Reggio acting pro tem. for former.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a note.

Plaintiff alleges he holds Louis Chamard's note of August 22, 1767, for 1800 livres in piastres gourdes payable December of same year to Gregorio (George) Baron or his order. This note came into plaintiff's possession October, 1768. He immediately sent to Illinois to collect from Chamard but the note was protested there October 24, 1769. However, he obtained a judgment condemning Chamard to pay amount stipulated. As Baron, resident of Pointe Coupée, is the first endorser he prays he be summoned and condemned to pay this note with costs and expenses. Alcalde de la Chaise de St. Denis sends an order to Jean Francois Allain, Commander and Judge of Pointe Coupée, authorizing him to notify Baron of the foregoing petition with injunction to come to the city in person within fifteen days of notification, or have himself represented by procuration to answer the demand contained therein. March 28, 1770, Commander Allain orders Baron notified of foregoing request, and on March 31, Jean Baptiste Missonnee, or Missioniere, in charge of this order certifies that he notified the party as directed.

February 16, 1770, proof made in presence of Mr. Forstall that in October, 1768, Armant transferred to Voix a note for 1800 livres of Mr. Chamard of Illinois to be paid to order of George Baron of Pointe Coupée. Signed Forstall, Armant. March 31st, George Baron appears before the Commander of Pointe Coupée and grants procuration ot Leonardo Mazange, attorney at the Cabildo, to represent him in Alcalde de la Chaise's Court in the suit brought against him there by Enrique Voix.

March 30, 1770, Baron declares before Allain that about two years before he sold a negress to Chamard for 1800 livres, who gave his note in payment before going to Illinois. He afterwards descended the river and tied up his boat at petitioner's landing, offering to pay his obligation with skins. Baron had given Chamard's note to Armant in payment for a debt. He informed the present holder of the note of this offer, and he agreed to receive the pelts in the city. He prays the Court to order Voix to withdraw his suit and direct his demands against Chamard, the actual debtor, in place of himself who is simply the endorser. March 31 Allain rules that Voix must discontinue proceedings against Baron and take recourse against Chamard for the execution of sentence rendered by Mr. La Bruyere, First Judge of Illinois.

The record contains a certified copy of proceedings in St. Genevieve, dated November 25, 1769. Extract from register of audiences of greffier at St. Genevieve in suit Marcolay *vs.* Chamard. Decision rendered by Joseph La Buxierre (La Bruyere), acting as ordinateur and First Judge of Illinois, in answer to a petition presented by Paul Marcolest, or Marcolay, holding procuration of Henry Voix of New Orleans. By this judgment defendant is condemned to pay plaintiff 1800 livres in piastres gourdes with costs and expenses. Signed Cabacie, greffier. November 27, 1769, Cotin de Cotin (Francois Cottin), sheriff of the Court of St. Genevieve, Illinois, certifies to the service of Marcolais' petition, and La. Buxierre's decree on Chamard.

May 3, 1770, Voix presents a petition to Francois Maria de Reggio, Alferez Real, acting pro tem. for Alcalde de la Chaise, stating that his order of March 14 last has not been obeyed requiring Baron, endorser of the note, to pay 1800 livres in piastres gourdes. Plaintiff asks for a judgment by default. May 9, de Reggio renders judgment "as it is prayed" and orders Mazange to appear for Baron and state reasons (why he has failed to obey summons).

October 5, 1770, George Baron appears and declares that the principal debtor (Chamard) descended the river to Pointe Coupée with skins and other effects to pay Baron, who no longer held the note as he had transferred it to Armant. Baron advised the present holder to accept these effects, which he did, but in place of taking them in payment for this note he was given credit for this amount in other things mentioned. Recourse should be taken against the holder of the note who was party to the transaction. In the case of a promissory note, if proceedings are not taken within the time prescribed by law, bearer loses according to ordinance 1670. It must also be observed that this note was negotiated before its date of maturity. Proceedings were taken against Baron in Pointe Coupée but the claim was excluded in conformity to law. To begin new proceedings in this tribunal the appeal must be filed within five days after judgment was rendered in Pointe Coupée. He prays that Voix's suit be dismissed because he did not make his appeal within the time prescribed by law. The Court orders a copy of this petition sent to Voix,

November 10, 1770, Henry Voix states that the suit he is prosecuting against Baron "concerns commerce." He prays that two arbitrators be named to examine into and advise in the case. He appoints Braquier to act for him. The Court sends a copy of this petition to defendant. December 3, 1770, Georges Baron says he does not wish to name an arbitrator as he and his opponent are not in accord. But having the faculty to name a mediator who will hold a deliberative voice, he names Jean Duforest for his part. The Court orders this petition sent to the assessor, who, on December 7, rules that having the consent of both parties he orders arbitrators named to effect a conpromise because the suit must be finished within 15 days, the Court reserving the right to name a third in case of discord. Braquier and Juan Duforest were notified of their appointments, accepted and took oath before the escribano.

December 17, 1770, the arbitrators made the following report: Considering plaintiff's petitions; protest of the note November 24, 1769; Armant's certification of February 16, 1770; and defendant's defenses. They have decided that Baron will be held for payment of 1800 livres, the amount of Chamard's note. It is not possible to establish the prescription of the note, although the endorsement of defendant is defective, and without date. Signed Duforest and Braquier.

December 24, 1770, Defendant declares that a copy of the arbitrators' sentence was delivered to him by the Escribano. He has other pleas to offer, so he prays for the return of the records of the case. Petition granted. January 7, 1771, plaintiff states that the arbitrators have given their decision. He prays Alcalde Chabert that this judgment be carried into execution. This petition sent to Odoardo and on January 12, he rules that defendant must pay within 15 days as he was sentenced to do, or executory proceedings will follow. January 30, 1771, Eurique Voix says that Georges Baron has not obeyed the decree condemning him to pay within 15 days. He now prays for execution against defendant's estate sufficient to cover the debt, its one-tenth and costs. He takes oath that this amount is due him. This petition is sent to Odoardo who, on January 31, orders writ issued. January 31, Enrique Voix declares that Georges Baron has agreed to pay him promptly. He petitions that original note be returned to him, and taxation made of costs. Granted.

Garic, clerk of the Cabildo, taxes costs at 28 pesos.

1770—March 5th.
Enrique Voix vs. the Lamirande Succession.
No. 4112. 27pp.
Courts of Alcaldes de la Chaise, de Reggio acting pro tem. and Chabert.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a debt.

This case illustrates the legal delays incident to collections of debts during this early part of the Spanish Regime. Plaintiff, who is for a time a constant litigant, seems to have been engaged in the business of collecting debts; he here sues as holder of a written notarial obligation of Mr. and Mrs. La Mirande, deceased, of Pointe Coupee, dated February 1, 1763, in favor of la dame Lottiere, transferred to one Jacqueline by act before Garic, notary, June 2, 1767. Original debt 6000 livres now reduced to 3969 livres, 17 sols, 6 derniers. The action is brought against Bourgeat, Missoniere and Moro, tutors of the Mirande minors. March 14, Alcalde Louis de la Chaise de St. Denis, issued "request" to Jean Francoise Allain, Judge and Commander of Pointe Coupee, to notify the tutors to appear before the Alcalde in person or by procuration within 15 days. March 28, Allain (signed Allain, Runonay or Zunonay) directs the petition "to be made known" to the tutors. March 31, Missoniere acknowledges service and defendants write the Alcalde appointing Leonardo Mazange to represent them, admitting the debt to have been due but claiming partial payment reducing it to 2550 livres 14 sols per re-

ceipt attached. They moreover ask for a further delay, the Succession being without funds.

Various dilatory pleas follow through Mazange but at last, on March 12, 1771, plaintiff asks for judgment upon the admission by the tutors. Alcalde Chabert refers this to Assessor Odoardo, who decides the succession must pay. March 14, plaintiff asks an order to embargo (seize) debtor's property. Referred to Odoardo who decides that de Villier, Judge and Commander at Pointe Coupee, be directed to notify the tutors to pay and to enjoin them from disposing of any property in the interim. May 17, plaintiff again petitions for execution and Odoardo orders de Villier to repeat the previous demand and if payment is not made within 15 days to embargo and sell the debtor's property. October 23, 1771 (nineteen months and eighteen days after the institution of the suit), plaintiff reports the debt paid. Costs taxed by Garic 37 pesos, 7 reales.

1770—March 8th.
Nicolas Lauve vs. Forstall (Nicolas).
No. 4055. 3pp.
Court of Alcalde Trudeau.
Escribano, Garic.

To collect a shoe-maker's bill.

Nicolas Lauve, called Colin, shoemaker, sues Forstall for 215 livres which he has been "unable to collect though he made many attempts." Judgment by default in due course. December 22, 1770, plaintiff reports Mr. Forstall has paid his bill. Costs taxed 2 pesos, reales.

March 14th.
Musculus & Riondineau vs. Mr. Livaudais.
No. 4056 14pp.
Courts of Alcaldes Trudeau and Forstall.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a bill for slaves and merchandise.

Musculus and Riondineau, or Rondineau, sue Mr. Livaudais, Jr., (Santiago) for 405 livres balance on purchase price of slaves and merchandise. April 5, 1770, Alcalde renders judgment by default. December, 14, 1770, Juan Musculus (by A. Reynaud) petitions for order to defendant to verify his signature and acknowledge the debt. Garic certifies inability to notify defendant who is on his plantation. December 22, 1770, plaintiff petitions for notice to defendant to appear and be made acquainted with Court's decision. Granted, and defendant required to appear within two days. January 9, 1771, Santiago Hallays, deputy sheriff, certifies to personal services on Livaudais who said he would obey the decree. February 10, before Alcalde Nicolas Forstall, plaintiffs pray for execution against defendant's property to the extent of the debt, its one-tenth and costs. Referred to Odoardo who (February 21) rules Livaudais be notified to pay within 15 days or executory proceedings will be enforced against him. May 11, plaintiffs renew prayer for execution. Court refers again to Assessor General, Cecilio Odoardo, who, May 18, orders execution issued against Santiago Livaudais, Jr.

Alcalde Forstall thereupon directs the sheriff to demand immediate payment of Livaudais' 404 livres 4 sols and, failing this, to seize property sufficient to cover the debt, its one-tenth and costs and place same in charge of the general receiver. May 27, Garic certifies that Hallays, deputy sheriff, reported to him he had demanded payment from Livaudais or that he point out property to be seized. Defendant answered he had a quantity of indigo on a cart which he was just about to take to the city to sell and would then pay his debt. The deputy having seen the indigo did not seize it and suspended action on the writ. October 8, 1771, Andres Reynaud, agent for plaintiffs, declares debt has been paid, prays bill be delivered to defendant and costs taxed. Garic, clerk of the Cabildo, taxes costs 21 pesos, 6 reales.

1770—March 14th.
Juan Nicolet vs.
Santiago Carriere.
No. 4068. 22pp.
Courts of Alcaldes Trudeau, Forstall and Amelot.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a debt.

This case is another illustration of the easy pace of the courts of this period. Plaintiff through Leonardo Mazange, attorney, sues defendant for purchase price merchandise, 139 livres 4 sols 6 deniers, alleging amicable demand without result. Prays Izaac (Santiago) Carriere be ordered to appear and condemned to pay debt, costs and expenses. April 5, Alcalde Trudeau renders judgment by default. December 22, 1770, Leonardo Mazange, attorney, prays defendant be summoned to swear the bill is correct and that he owes the same. Court orders Mazange to produce his credentials. January 26, 1771, Mazange presents undated letter from Nicolet putting him in charge of writer's affairs during his absence and to collect debt from Carriere. This, he contends, empowers him to act and substantiate the debt and he renews his previous application. Granted by Alcalde Trudeau, and Garic certifies once more that defendant is absent on his plantation. Nicolet thereupon (May 2) prays for an order from the Court, which is entered requiring defendant to appear within two days. June 4, Hallays certifies to personal service on Carriere. June 15, plaintiff declares defendant still in default and asks he be ordered to pay within a short space of time and to take oath the bill is correct and has not been paid. Referred to Assessor Odoardo, who (June 17) rules Carriere be notified that, if he does not pay within three days, executory proceedings will be taken against him. Garic certifies inability to notify defendant because of his absence. June 25, Nicolet prays for another citation. Granted; defendant to appear within three days, July 2, Hallays certifies service on Carriere in person.

July 6, plaintiff prays for execution against defendant's person and property to the extent of the debt, its one-tenth and costs. July 8, the Assessor orders writ issued and Alcalde Forstall directs sheriff to require Carriere to pay immediately, and, failing, to seize sufficient property to cover the debt, its one-tenth and costs, and place it with

the general receiver. October 26, Hallays certifies he served writ on Santiago Carriere demanding immediate payment and failing, to point out what was to be seized. Defendant told him he was going to the city to effect a settlement of his debt, therefore he did not carry the writ into execution.

The plaintiff now suspends his legal activity and evidently does by persuasion what the law would not or could not do, for, on April 4, 1772, he declares before Alcalde Amelot he has settled his differences with defendant with the agreement that latter pay the costs which he has not done. He prays for taxation and that Carriere be ordered to pay whatever is due within a short space of time. This starts a newer but swifter procedure. Court orders this petition sent to defendant and Garic certifies notification not made owing to absence of defendant and on April 6, 1772, Nicolet again prays "citation" summoning defendant before the Escribano to be made acquainted with foregoing, but it is May 8 before Louis Liotau can certify he served this on Carriere in person.

May 20, 1772, plaintiff avers defendant was given copy of Alcalde's decree but has not answered and prays for judgment by default. The Court orders Carriere cited for the first audience. Garic certifies his inability to notify on account of absence. May 22, on plaintiff's demand, Carriere is summoned to appear within three days. August 31, plaintiff reports to Alferez Real de Reggio that defendant has not appeared nor paid and prays he be condemned to pay these costs within a short space of time under taxation by the Clerk. Alcalde de Reggio sends this to the Assessor and on September 2, 1772, Odoardo decides

> "That plaintiff must now pay the costs, as he brought the suit against the debtor, who ought to pay them, but has not respected the summons. Let him (the debtor) be put in prison until he complies with the Court's decree and let the order for his apprehension be entrusted to any officer of justice to make the arrest."

Garic taxes the costs at 39 pesos 4 reales. The defendant, having kept the Court busy for thirty months, is now facing jail and probably paid up, for the record closes here.

1770—March 19th.
Pedro Clermont et als. vs. Mr. Boyer.
No. 10825. 14pp.
98969-99007.
Court of Alcalde Trudeau.
Escribano, Garic.

A Concursus.

This is the first proceeding in Concursus found in the Spanish records and a fairly full statement is therefore given on account of its historical value. It shows also the speed with which the Courts could work when necessity drove them.

(**Note.** A Concursus is a familiar Louisiana legal proceeding whereby the conflicting claims of various persons to a fund in Court are determined contradictorily with all interests and their rank and priority established. See 2 La. Digest verbo Concursus, p. 186.)

Pedro Clermont for himself and wife, née de Moncerveaux, (Leonardo Mazange, attorney), sues Mr. Boyer, a voyageur, at present at the quay in New Orleans, for 135 livres per note attached, and prays for an order of seizure (conservatoire saisie) of the boats (voitures) in defendant's possession, and for summons to appear, and to pay his debt with interest, costs and expenses.

Alcalde Trudeau orders defendant to appear for the first hearing March 21. Jacques Hallays, deputy sheriff, certifies to oral notification with service of copy of petition and order, speaking to Boyer in person. March 22, the Alcalde enters judgment ordering defendant to pay and further, that in default, a provisional seizure be made of the effects in his possession. The foregoing proceedings are in French.

In the meantime (March 20), another claim is filed in the same record by Conard, with the same attorney, alleging that Boyer owes him 874 livres per note attached, and prays for provisional seizure of the produce of his hunting expedition, and that he be ordered to appear and declare, etc., and be condemned to pay the debt with costs and expenses. Alcalde Trudeau issues the usual preliminary order directing Boyer to pay the debt or appear before him with the reasons for his refusal.

On March 24 (in Spanish) Alcalde Trudeau orders Mr. Lavigne, in charge of the effects and property of Jean Bautista Boyer, to pay Messrs. Clermont and Conard the amounts of their claims, and, upon failure, let a seizure be made of the various effects and produce belonging to the defendant, sufficient to cover the debts and costs, and let the property seized be placed in charge of the general receiver. Jacques Hallays, deputy sheriff, declares that in the presence of Messrs. Clermont and Conard and of Mr. Joseph Ducros, General Receiver, they went on 24th inst. on board Mr. Boyer's boats, where they spoke to Mr. Lavigne, in charge of the defendant's effects. He, the deputy, demanded payment either to Mr. Mazange, or to him. Boyer refused to pay, and he, the deputy, seized the boats and the effects which they contained and "put them in the hands of the King", namely: two voitures, one 40 feet long by 3 feet wide, and the other 34 feet long by 2½ feet wide, upon which Mr. Lavigne declared that he had 40 animals salted, and 1400 pounds of tallow, which is still mixed with the meat; 400 pots of oil on one voiture, and on the other 100 pounds of beavers, 23 deer skins, 20 roebuck skins with hair (untanned) 23 bear (dours?) skins large and small, 18 otter skins. Mr. Lavigne declared that these hides have all been sold to Mr. Dubourg for 740 livres as will appear from a statement of accounts. This amount he has placed in charge of the general receiver, as well as the 148 livres received from the sale of the oil, a part of the tallow, and salted skins. He reports further that Boyer owes 700 livres for the 15 months in which Francois Bourguignon accompanied him on the hunting expedition; 150 livres to Thomas N. Landais; 100 livres to Joseph Jobert; 350 livres dated June 26th, 1769 (due on a contract entered into by Boyer and an unnamed party). This does not include 100 pounds of meat and 4 pots of oil.

Total, 1300 livres. Signed: J. Hallays, Joseph Ducros. This declaration of Hallays is repeated and signed, Ducros, J. Hallays, Jean Louis Trudeau, and attested before Juan B. Garic, Notary Public.

This seizure is immediately followed by new claims upon the debtor's property (interventions). March 26, Lavigne, Joseph, Francois, and Thomas (voyageurs), through Henry Desprez, attorney, declare they have come to this city on business for Mr. Boyer, a hunter, and they have brought with them oil, tallow and meat from a hunting expedition. These products have been seized for the benefit of their employer's creditors. As they have worked for the defendant, and have never been paid their wages, they claim to be privileged creditors. They therefore pray that Mr. Ducros, general receiver, be commanded to pay them their wages out of the funds entrusted to his care, resulting from the sale of the effects which were seized. March 27th, Alcalde Trudeau orders the petitioners to be assembled with the other creditors to be classed as privileged and paid from the funds resulting from the sale of Mr. Boyer's property.

March 27, Joseph Jobert, under contract to Mr. Boyer, states that he was discharged the Saturday before, and that his wages are due. He has received on account 4 pots of oil, which was a part of his contract here attached. There still remains due 100 pounds of meat, 350 livres in cash, as the price agreed upon in his contract, which was to run until February, and 25 livres after his contract expired until he was discharged. Petitioner cannot leave without receiving his payment, and by remaining he is put to some expense for food and lodging. He therefore prays that Mr. Ducros be ordered to deliver to him 100 pounds of game meat and 375 livres in cash due him for his wages. March 27, Alcalde Trudeau orders Mr. Joseph Ducros, general receiver, to deliver to Joseph Jobert 100 pounds of game meat, killed during the hunting expedition as per contract, and 375 livres in cash and reimburse him for expenses incurred since his actual discharge, and on the same day Henry Desprez, attorney, signs a receipt for his client for 382 livres, 10 sols, as a quittance in full for his claim.

April 5th, Leonardo Mazange, acting for the original plaintiffs, alleges he has obtained an order of seizure against Boyer, in favor of Clermont and Conard, which was levied on the boats and produce of a hunting trip which defendant sent to this city. The proceeds from the effects already sold, as well as for the game meat sold today, have been placed in charge of Receiver Ducros, whom he prays be ordered to pay plaintiff's debts with interest, expenses and costs. The Court rules at once that the rank (order) of the creditors must be established, and regulated, each one according to his privilege, after which each one will be paid as it will be determined. April 26th, the Court further rules, considering the request of April 5th, an account must be rendered of the funds belonging to Mr. Boyer; the creditors will then present their titles and a division of the funds will be made among them, each one receiving according to his privilege.

Further interventions are now filed, viz: Mr. de Clouet, holder of the note of one Vige, which Mr. Boyer had ordered Lavigne to pay to the petitioner, prays to be classed among the creditors to be paid concurrently with the others; Mr. La Fontaine, for 30 livres; Mr. Lambert, for 10 livres; Mouget Latime, for 161 livres, 5 sols; Mr. Chantalou, for 149 livres, and Mr. La Chapelle, for 79 livres, all represented by Desprez, present notes of Boyer and ask for like relief.

On the same day, April 25th, La Vigne, cockswain, Francoise Bourguignon, and Thomas, under contract with Boyer, declare that, on March 27th last, they were classed as privileged above all other creditors on the effects seized for the sum total of 950 livres. They pray that Receiver Ducros be ordered to pay to Mr. Lavigne the above sum, and that defendant be condemned to pay costs. April 26th, the Court orders the general receiver to pay these petitioners the amount stipulated, costs to be taxed by the Clerk of the Cabildo. April 27th, Henry Desprez signs a receipt for his clients for 950 livres, which does not include costs which will be taxed later.

April 24th, De Verdun Hallays (the same as Jacques Hallays, deputy sheriff), signs a receipt to the effect that he has received from the general receiver 42 livres 10 sols for the "declaration" (sworn statement) made at the Escribano's house (who received 2 livres) for the seizure of the two voitures from Mr. Lavigne which belongs to Mr. Boyer.

April 26th, Joseph Ducros certifies a statement of accounts proceeding from the seizure and sale of the salted skins (of meat), oil and tallow belonging to Mr. Boyer, at present in Arkansas, consigned to Mr. Lavigne, his principal employe, viz:

Receipts amount to	2724 : 1 : 6
Amounts paid out to	1522 : 8 : 9
Balance	1201 : 12 : 9

April 28, Henry Desprez, attorney for the creditors, certifies that he has verified the foregoing accounts by receipts and disbursements of the funds deposited with Mr. Ducros resulting from the seizure and sale of Mr. Boyer's effects which were disposed of for the benefit of his creditors.

April 28, Tableau of distribution of the funds resulting from the seizure and sale of the effects above is presented by Mr. Ducros in the presence of Leonardo Mazange and Henry Desprez, attorneys for the respective parties:

A statement of the returns	2724 : 1 : 6
Claims paid to privileged creditors	1734 :
Balance	990

This remainder was divided between the (cirographaires) creditors. Mr. Conard gets 859 livres in place of 874, and Mr. Clermont

gets 131 livres in place of 135. All funds having been disposed of, Mr. Ducros is hereby discharged of his duties. Signed by Mr. Mazange, Henry Desprez, Ducros, Jean Luis Trudeau, Alcalde; attested before Juan B. Garic, clerk of the Cabildo.

Taxation of costs amounting to 364 livres, 11 sols, 3 deniers (no date).

1770—March 17th.
Luis Perrault vs.
Mr. Gueriono.
No. 4085. 39pp.
Courts of Alcaldes de la Chaise, Forstall and Amelot.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a note.

This case presents a clean cut example of an ordinary suit to collect a debt, followed by execution and sale of property thereunder. It is indexed with some amplification for this reason.

Luis Perrault through his attorney, Leonardo Mazange, presents procuration appointing the latter attorney herein and a promissory note dated February 17, 1755, for 383 livres, 2 sols, 7 deniers, signed Guerino, payable to order of Mr. Moniere. Written on this note, dated St. Louis, September 16, 1769, signed La Bussiere, is a declaration that the writer holds Moniere's procuration and now substitutes Mr. Perrault in New Orleans with authority to collect the said note from Mr. Guerineau (this name is variously spelled Guerino, Guerineaux, Geurinau, etc., but the debtor signs Guerino.) Mr. La Bussiere, or La Bruniere, also authorizes Mr. Perrault to take in payment rum or Beaufort linen. Signed La Bussiere. March 17, Alcalde de la Chaise de St. Denis condemns defendant by default. The case has proceeded thus far in French, and nothing more is done until March 21st, 1771, when it is renewed in Spanish before Alcalde Forstall's Court, where Luis Perrault repeats his previous allegations and prays defendant be ordered to appear to acknowledge, swear and declare that the signature is genuine and that he owes the debt. On the 23rd Pedro Guerino under oath before the clerk of the Cabildo, Garic, acknowledges that the note and signature are his, but avows the obligation was assumed in the old paper money of Canada, and that he cannot possibly pay it with the present money of the Province unless a reduction is made. April 9th, Pedro Guerino pleads to the suit, saying he is ready to pay his note of 383 livres, 2 sols, 7 deniers, but at the time the obligation was assumed, the debt was in the old paper money of Canada, which has been reduced in value by his Most Christian Majesty. He is not able to pay in any other money than the same paper, or else in pesos according to the reduction made by the King. He prays plaintiff be ordered to receive payment in paper notes equal to the amount of paper of this colony, or that the court make the reduction according to the decrees of the King of France. When this reduction is made defendant will promptly pay in pesos. The Court orders this petition sent to Mr. Perrault without prejudice.

On April 17th, plaintiff replies to the foregoing petition that the allegations of his opponent is false, when he says the debt is payable in paper money of the colony of Canada. If he will read his note he will see that the value is stipulated as having been received in merchandise and cash. These effects do not appear to be in paper of the colony. That the verification by defendant of the debt and his acknowledgment hereof authorizes execution in his favor and he therefore prays for a writ of execution for the full and entire payment of the note, its one-tenth and costs. The Court sends this petition to the Assessor General for his advice, and (April 17th) Cecilio Odoardo rules the debt must be paid with a reduction which has been the disputed point, the costs of the case to be paid by both parties.

May 23rd, plaintiff petitions that defendant has not paid the judgment and prays for execution against his person and estates to the extent of the debt, according to reduction, its one-tenth and costs. Alcalde Forstall refers this to Assessor Cecilio Odoardo and, under his advice, an order of execution is issued May 25 against defendant's "estate" for 233 livres which is what he has offered to pay with one-tenth and costs. The order directs the sheriff to demand immediate payment of said sum from Pedro Guerino, which he has acknowledged he owes, and, on failure, to seize a sufficient amount of his property to pay the note (at 233 livres), its one-tenth and costs, and let the effects seized be placed in charge of the general receiver. The seizure (Embargo). On May 29th, Santiago Hallays, before the clerk of the Cabildo and witnesses, certifies that he demanded of Pedro Guerino that he pay Luis Perrault the amount due on the note, but he failed to do so. The deputy sheriff then seized 2 very small, old cypress tables and two chairs, and finding no other movable property to take, he placed an embargo (seizure) on his dwelling house situated on Bienville street, which he put in charge of Receiver Ducros, where they are now held at the disposition of this tribunal. On the same day Joseph Ducros, General Receiver, in the presence of the clerk of the Cabildo and witnesses, declares that Sanitiago Hallays has deposited with him some small tables and two chairs and has placed in his charge a house which was seized from Pedro Guerino.

June 11th, Luis Perrault declares the writ of execution has been carried into effect against the house belonging to the defendant, and he now prays it be publicly called for sale within the time prescribed by law. He names Santiago Hallays as appraiser, and asks the Court to confirm the appointment, so that a value may be put on the house. The Court orders the house publicly called for sale, and that the appraiser petitioned for be named, who must accept, and take oath in due form. The other party must be notified so that he, too, may name his appraiser within one day with a warning that if he does not do so they will proceed with the appraiser already appointed. On the same day Santiago Hallays accepts, and takes oath before the clerk of the Cabildo to proceed faithfully with the appraisement of the house. June 12th, defendant names Pedro Songy as appraiser, for his effects and house which have been

seized, and asks the Court to ratify this appointment. Alcalde Forstall ratifies and orders Pedro Songy to accept and take oath in the manner prescribed by law. On the same day Songy takes oath before Garic, clerk, to make a good and faithful appraisement of the house. June 18th, the two appraisers, accompanied by Leonardo Mazange, attorney for Luis Perrault, together with Garic, clerk, went to the house on Bienville street belonging to Pedro Guerino, which had been seized, to place a valuation on it. This house is built on a lot 60 feet front by 120 deep and is adjoined by the property of Francisco Colon on one side, and Francisco Caminada on the other. The house contains a parlor, and bed room, has a shingled roof, and is built of bricks and wood (colombage and brique). It has a double chimney and has a brick kiln in the patio (court yard) appraised at 160 pesos. Signed, Santiago Hallays, Pierre Songy, Leonardo Mazange. Attested to before Juan B. Garic.

Nicolas Jurden (Jourdan), town crier, on June 20th, July 1st and 10th, respectively, gives three public calls for the sale of the house. August 5th, Luis Perrault petitions, saying the time for the public calls for the sale of the house has passed, and prays a day be appointed for the sale. The Court refers this to Odoardo for advice, who, on November 14th, orders defendant cited for the sale. Juan B. Garic certifies that upon inquiry he was informed defendant is absent from the city, on "the other side of the lake". November 18th, Cecilio Odoardo rules that in the absence of Pedro Guerino Francisco Broutin be appointed defender of his estate, who must accept, take oath and give bond, and in case of his acceptance notify him of the foregoing decree for the final call and sale. Bond. On the same day Luis Populus appeared before Garic, clerk, and binds himself as surety for Francisco Broutin, defender of Pedro Guerino's estate during his absence.

November 21st, 1771, Francisco Broutin, defender of Pedro Guerino's estate, declares he has no knowledge of the executory proceedings which have been prosecuted by Luis Perrault against his client and prays the Court to order the records of the case delivered to him. Alcalde Forstall refuses this petition because the defendant had been represented in the suit up to the citation for the sale.

November 26th, 1771, Pelagia Morin Guerino, through her attorney, Francisco Broutin, intervenes, alleging she has been informed that her house is about to be sold which she acquired through community interest, or during her married life with her husband, who is absent. This sale is to be made to satisfy debts contracted before her marriage, and asks for recognition of her rights. The Court grants a separation of property but the debt must be paid, and "let the petitioner be instructed that if her opposition is founded only on this right it must be declared without substance in this suit."

November 27, 1771, plaintiff averring the sale of the house having been provided for, and the public calls already made, he prays the day for the sale be appointed. The Court names the following Monday as the date for the sale. On December 2nd, the 4th call; on December 9th, the 5th call; on December 10th, the 6th

call; and on December 16th, 1771, the 7th and last call. On this occasion Pierre Estoupan offered 110 pesos, and as there were no other bids the house was knocked down to him at that price. These four official calls for the sale were signed by Alcalde Forstall, Leonardo Mazange, Francisco Broutin, attorneys for the litigants, and Juan B. Garic, clerk of the Cabildo.

February 13th, 1772, before Alcalde Hipolito Amelot, plaintiff alleges the house seized from Pedro Guerino was sold some time ago to Pedro Estoupan for 110 pesos, but he has not complied with the sale. He prays the purchaser be ordered to pay within a short space of time, with a warning of judicial compulsion should he fail. Alcalde Amelot sends this petition to Cecilio Odoardo, who, on February 18th, rules that Pedro Estoupan must pay within three days, with a warning as petitioned. The same day Garic, clerk, certified that he was unable to notify Pedro Estoupan of the foregoing decree as he is absent in the country. February 19th, plaintiff avers that because of Garic's inability to serve the notice he now asks for a notice summoning the purchaser to appear in the office of the present Escribano within a short space of time to be made acquainted with the provisions of the foregoing decree. Petition granted. A marginal note states that the notice was issued, whereby Pedro Estoupan is notified to appear in the office of the clerk of the Cabildo for the purpose aforesaid. The record ends abruptly with a taxation of the costs, amounting to 86 pesos, 4 reales. No date.

1770—March 21st.
Juan de Cotilla, Captain of Engineers, Makes a Certification.
No. 10634. 6pp.
94839-84845.
Court of Governor Unzaga.

Confirmation of concession to Mr. Latil's land on Bayou St. John.

This record opens with a certificate dated March 2nd, 1770, signed by Juan de Cotilla, Captain of Engineers of the Royal Armies, and Commander of Engineers in the present expedition in charge of the direction of the royal works for the fortification of this place. He declares that among the edifices which His Majesty (of Spain) has accepted from His Most Christian Majesty (of France) in this place is a naval arsenal situated on the banks of Bayou Saint John, built on a piece of land measuring twenty toises front on the said bayou, and 45 deep. It is adjoined on one side by the other bayou, and on the remaining sides by Mr. Brasilier's land. This edifice was measured, calculated and estimated for the price and under circumstances which have been stated in the inventory, which remains in the Royal Contaduria (Auditor's Office).

March 10, Alexandre Latil petitions Governor Unzaga declaring that among the benefits he has received from His Excellency Governor General O'Reilly is a concession of a small lot of ground on Bayou St. John. He prays that the necessary titles be executed confirming him in possession thereof. March 22, Governor Unzaga orders Latil to present the title to the land which was given to him by

Governor General O'Reilly. April 9, Mr. Latil presents the decree of His Excellency Governor O'Reilly for the concession on Bayou Saint John. Thereupon Governor Luis de Unzaga, to obviate any controversy which might arise, orders Luis Andry, a skilled engineer, to survey the land, and define its boundaries. April 23, Luis Andry makes his report on the survey of the land which he describes as forming a trapezoid of 20 toises fronting on Bayou St. John by 45 toises deep. At this extremity it narrows to 12 toises at the rear line, which is situated beside Mr. Brasilier's plantation and is bounded on the north by a small estuary which flows into Bayou Saint John and on the south by the levee of the above mentioned plantation. He reports he called Mr. Brasilier, as the nearest neighbor, who was shown the act of sale by which his deceased father transferred it to His Most Christian Majesty. Notwithstanding this notarial act he did not know the dimensions of lot sold. In conformity to the rights acquired by Mr. Latil through the concession aforesaid, and pursuant to the foregoing decree, Mr. Andry staked off the ground in the presence of Mr. and Mrs. Brasilier, and Mr. Maigrot, who lived in the naval arsenal.

On April 30, 1770, in conformity to the foregoing report Governor Unzaga confirms Mr. Latil's concession and grants the necessary title which is signed, and sealed with his arms.

Note. This is one of the very few documents found in the Spanish Archives which bears a sealing wax seal, and is about the only one officially confirming a land grant.

1770—March 26th.
Henrique Voix vs.
Mr. Lacoste.
No. 4129. 27pp.
Court of Alcalde Trudeau.
Escribano, Garic.

To enforce a vendor's privilege.

This record presents the first discussion in the Spanish records of the Vendor's privilege, and is also interesting because the suit was begun in the very last hours of the French regime.

It was begun under the Superior Council July 18, 1769, and resumed on March 26, 1770, after the cession. The documents are not bound in chronological order, and are in very bad condition, torn, ragged, soiled and faded; much is undecipherable. It is also incomplete. The record opens with the proceedings before the French Tribunal, where Enrique Voix, through his attorney Enrique Desprez, presents a petition addressed to Mr. Foucault, First Judge of the Superior Council, wherein he declares that he is agent of Mr. Mayaud, resident of Saumur, France, who is a creditor of Mr. J. Garnier, merchant of La Rochelle, owner of the ship "La Carlota", Captain La Coste, master. That Garnier has become bankrupt as appears from attached letters of Messrs. Papineau & Mayaud dated February 7 last. The merchandise for which the debt was contracted was sold to Mr. Garnier, who delievered it to Captain La Coste for transportation by "The Carlota". The cargo is now in Captain La Coste's warehouse in New Orleans, the greater part of which consists of India

linens, glass beads, copper, mirrors, and nails, as will appear from attached bill of lading dated June 13, 1767.

Plaintiff avers that in case of bankruptcy the vendor of merchandise and effects delivered and not paid for has a privilege and priority over all other creditors upon effects alienated by the purchaser and that this is recognized by Article VIII of the Ordinance of 1673 which preserves the right of the vendor to the movable property still extant. The same privilege is preserved to the vendor in case of a "deliberation of" (cession to) all the creditors. The pleader quotes from the Treaties on Contracts, Title, Failures and Bankruptcies in Mr. Deferiere's General Compilation of the Customs of France and Volume Second, under the Title of Seizure, Judgment, and Executions, Freight Delivered (Poquet Delivoniere) and The Rules for French Rights, Titles for Mortgages and Privileges, under which authority the vendor is a privileged creditor for his movable property if it is still in the purchaser's possession. Independant of this privilege upon the movable property extant the vendor has a further privilege upon the active debts, not collected, created through the sale by the purchaser of the said merchandise, and movable property because the price represents the thing sold, according to the Rules of French Rights. Under these principles Mayaud, the vendor, is entitled to an exclusive privilege not only for the merchandise originally belonging to him, still in Mr. La Coste's possession, but also on the active debts to be recovered due for his constituent's merchandise already sold by said purchaser.

The petitioner further avers that though he relies upon the fidelity and exactitude of Mr. La Coste, he yet does not wish to lay himself open to the slightest reproach from Mr. Mayaud, and must therefore take advantage of every point in the usages of the law for the protection of his principal. He therefore prays to be permitted to make a seizure, and to detain conservatively (et arreter conservatoiremente) in Mr. La Coste's hands all merchandise, funds, and active debts proceeding from the sale of the effects mentioned in the two bills of lading, here attached, and that Mr. La Coste be summoned to appear on the next day that Court is held, and that he be condemned to deliver the said effects, funds and claims to the petitioner according to his books, journals, and bills of lading, which he should be ordered to produce, and to certify under oath to all this data. For all of which he will be given a valid discharge in accordance with the procuration which the petitioner holds. On July 20, 1769, Mr. Foucault (First Judge in the Superior Council), orders the effects seized and detained as prayed for, and that defendant be ordered to appear at the next hearing of the Council. On July 22, 1769, Edme Tranchant Dupui (Dupuy) process server for the Superior Council, certifies that he notified Mr. La Coste that if he did not imediately pay the amount due for the merchandise mentioned in the bill of lading he would seize and detain conservatively all effects found in his possession which are detailed in the said invoice. Mr La Coste is further notified that he must appear before Mr. Foucault the first Saturday of the month of August.

There is attached to this petition a Power of Attorney dated October 17, 1769, before a Notary in La Rochelle, France, by which Noel Mayaud of Saumur appoints Henri Voix of New Orleans to represent his interests there, and to act against Mr. Joseph Garnier, merchant of La Rochelle, who is his debtor for a considerable amount due for the sale and delivery of merchandise, and to reclaim all that may be seized according to the Bill of Lading dated at Saumur June 13, 1767 (in the record), by which Mr. J. Garnier, merchant of La Rochelle, is debtor to Mr. Noel Mayaud of Saumur for 8468 livres, 14 sols, due for a shipment made to him according to his orders, by Pierre Rabiet & Robin, carriers of Poitiers, of two barrels and one bale wighing about 6586u., marked "I. G." containing as follows: (an itemized statement of the goods packed in the barrels and bale amounting to the sum aforesaid).

On March 26, 1770, Henry Voix renews the case in Alcalde Trudeau's Court by a pleading setting forth that on July 20, 1769, he obtained from Mr. Foucault, First Judge, etc., permission to make a seizure and to detain the goods, owned by Garnier, found in Captain La Coste's possession, forming part of the cargo of the ship "La Carlota" of La Rochelle, and described in the bill of lading of June 13, 1767, which goods were furnished to Mr. Garnier, now bankrupt, by Mr. Mayaud of Saumur; that a writ was issued to Mr. Dupui, sheriff of the Council, dated July 22, 1769, and a seizure and detention was made of the merchandise in Mr. La Coste's possession to the extent due and also to funds, and claims due, existing from the sale of the effects with prohibition for violation of the seizure under any pretext whatever. He reiterates the allegations of the original petition and asks further for an accounting by Mr. La Coste of the merchandise described in the bill of lading, and that he deliver the effects in kind or substantiate the sale of them and return the proceeds. He prays that La Coste be summoned to appear and that he be condemned to pay the amount of the bill of lading dated June 13, 1767, either in kind or in money with all costs and expenses. March 27, 1770, the Alcalde orders Mr. La Coste to appear for the first hearing, and on April 1st, Captain La Coste, master of the ship "La Carlota", answers that some of the merchandise reclaimed has never been unpacked, so that the marks may be verified, and that though the plaintiff claims that the goods were shipped marked "I. G." there was no cargo so designated, but all bales and barrels were marked "L. C." He further denies the plaintiff has any privilege and that he has no right to proceed in the manner here attempted. To this answer plaintiff replies with a reiteration of his previous allegations and asks that the seizure made by order of the First Judge of the Superior Council be confirmed. All of these pleadings are elaborated with many words, extending over pages of the record.

On June 23, Messrs. Cadiz and Lafitte, Jr., having evidently been appointed by the Court to act as arbitrators (though there is no order to this effect bound with this file), make their report deciding against the plaintiff's claim. September 19, Alcalde Trudeau confirms this report of Messrs. Juan Lafitte, and Pedro Cadiz, arbitra-

tors, and decides that the claim of Enrique Voix acting for Mr. Mayaud of Suamur, France, against Pedro La Coste, captain of the ship "La Carlota" of La Rochelle, belonging to and loaded by Mr. Garnier does not seem to him just, and would be prejudicial to the rights of the other creditors of the said Garnier, and he finds also that the merchandise mentioned in the list is mixed with the rest of the cargo of the ship, in such a manner that it can not be identified. The law prohibits the delivery or return of any goods or money to one creditor, or that he be given a preference over the other creditors. Therefore, the Alcalde orders Enrique Voix, agent of Mr. Mayaud, to provoke a contest with the other creditors so that he may come in for his share and pro rata with them in conformity to the privileges which each one may have upon the effects belonging to said Garnier. Costs to be paid by plaintiff. Taxation of same October 10, 1770, at 20 pesos, 1 reale.

1770—March 27th.
Juan Pome (Pomet) vs. Loppinot.
No. 4074. 9pp.
Courts of Alcaldes Trudeau, Forstall and de Villier.
Escribano, Garic.

To collect a note.

Juan Pomet, Captain of the ship "La Thetis", through his attorney, Leonardo Mazange, sues Loppinot for 627 livres, 7 sols, on note dated March 11, of the year before, and accepted for payment by Mr. Daunois (Daunoy). Loppinot is absent from the country, and Mr. Daunoy has not paid. He prays the Court to consider Mr. Daunoy's acceptance of the obligation, and to summon him to appear, and be condemned to pay the note with costs and expenses.

In 1772, date not given, before Chevalier de Villier, Alcalde, Juan B. Pomet declares that he and Mr. Loppinot have settled their suit. Costs taxed November 3, 1772, at 11 pesos, 1 reale.

March 27th.
Juan Pomet vs. Mr. de la Ronde.
No. 4089. 8pp.
Court of Alcalde Trudeau.
Escribano, Garic.

To collect a bill.

Juan B. Pomet, captain of the polacca "La Thetis", through Leonardo Mazange, attorney, sues de la Ronde for 400 livres, 9 sols, 6 deniers, due for cargo carried on on his ship.

December 3, 1770, Juan B. Pomet states that Mr. de la Ronde and he have settled their suit. Costs taxed January 12, 1771, at 7 pesos, 6 reales.

1770—March 29th.
Juanico La Vergne vs.
Francisco Roquigny.
No. 4054. 4pp.
Court of Alcalde de la Chaise, Alferez de Reggio acting pro tem.
Escribano, Garic.

To collect a note.

Jeannot La Vergne, through Leonardo Mazange, attorney, sues as holder of two notes, one dated October 29, 1767, signed Vaudel or Vandal, in which he agrees to pay Mr. Roquigny 175 livres in gourdes within three months for work done, the other for 90 livres, dated February 1st, 1768. He prays that Mr. Roquigny be condemned jointly with Vandal to pay 265 livres and for an order to summon Mrs. Roquigny, defendant's wife, to the city, and to forbid her to leave without paying the amount due on the notes, with costs and expenses. Alcalde de la Chaise orders defendant to appear within the delay of the ordinance, and May 22, Francisco Maria de Reggio, Alferez Real, acting Judge in the absence of Alcalde de la Chaise, renders judgment by default, as Mrs. Roquigny has failed to answer the summons, and condemns her to pay the 285 livres.

March 29th.
Charpentier vs.
Lambert & Pivoteau.
No. 3999. 11pp.
Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Garic.

Garnishment proceedings.

Pierre Charpentier, Henry Desprez, attorney, alleges that he is indebted to Mr. Ducros for 1500 livres in paper money of the colony, and to settle this obligation he has by private deed, here attached, sold a plantation to Lambert and Pivoteau for 750 livres, payable December, 1769. The term of payment is due but petitioner has only received 50 piastres (250 livres) on account and there is still due a balance of 500 livres. Mr. Ducros has sued petitioner but he is unable to pay until Messrs. Lambert and Pivoteau settle with him. The plaintiff has been forced to come to the city to answer the Ducros suit and during his absence has been obliged to put a man on his plantation at 4 reales a day. If Messrs. Lambert and Pivoteau had been willing to issue a note, this could have been sent to Mr. Ducros, and petitioner could thus have avoided a trip to the city. He therefore prays that defendant be condemned to pay the 500 livres together with the 4 reales a day wages paid to care-taker of his plantation and all other costs and expenses. Governor Unzaga orders the defendant to appear for the first hearing.

Plaintiff attaches to his petition the Act of Sale, December 4, 1769, wherein Pierre Charpentier sells and transfers to Lambert and Pivoteau a plantation with its buildings, consisting of 8 arpents front by the ordinary depth for 750 livres, payable in piastres gourdes and also attaches the record wherein Joseph Ducros, January 5, 1770, before Governor Unzaga, claims from Charpentier 2750 livres in old paper money of the colony, which he was condemned to pay by order of the Superior Council dated August 6, 1768. He has

already paid 1200 livres in the same kind of money, which leaves a balance of 1500 (1550?) which has been reduced by order of the King to 900 livres. There is a further debt of 20 livres due for expenses. It is further alleged that Charpentier has not paid, but has in the meantime sold a plantation at the German Coast to Mr. Pivoteau, and his brother-in-law for 150 piastres (750 livres). Ducros alleges he is entitled to seize the funds due by Pivoteau to Charpentier and to obtain a writ of execution for this amount. He prays for an order to seize the amount which Pivoteau owes Charpentier and thereby discharge the latter of his obligation to the petitioner for the amount seized. January 9, Governor Unzaga orders a provisional seizure (garnishment) of 150 piastres in the possession of Pivoteau under penalty of paying twice, and further orders Charpentier to appear on the first day Court is held to defend himself, state his reasons, and to answer the foregoing petition. January 11, Jacques Hallays, deputy sheriff, certifies that he notified, and gave a copy of the foregoing petition and decree to Mr. Pivoteau with whom he spoke in person, instructing him not to pay to Charpentier 150 piastres which he owes for the purchase of a plantation, and on the same day he notified and gave a copy of the foregoing decree at the house where Charpentier was staying, where he spoke to his wife with due injunctions for her husband to appear on the following day before Governor Unzaga at his office to answer the foregoing petition.

April 5, the pleadings change to the Spanish language and procedure from the French, and Mr. Charpentier presents a statement of the expenses incurred by him to come to the city to make Messrs. Lambert and Pivoteau pay their debt. For the 10 days he was away from his plantation at 4 reales a day—40 reales; 4 reales a day for 10 days to the care-taker left on his plantation—40 reales; besides 8 reales paid to the two men who conducted him over the defendant's plantation to notify them of the Court's decree, amounting in all to 88 reales. On April 6, Governor Unzaga renders judgment considering the documents presented by Messrs. Charpentier, Gayarré, (Lambert) and Pivoteau, he condemns Mr. Pivoteau to pay to Mr. Ducros within the current month 60 piastres, and costs.

November 12, Pedro Charpentier declares that by a decree dated April 6 of the present year, Lambert and Pivoteau were condemned to pay Joseph Ducros, General Receiver, 60 pesos for the petitioner. They have not obeyed the decree, though the time was limited to the month of April. Petitioner is now threatened by Mr. Ducros with seizure for his debt. It is only just that Messrs. Lambert and Pivoteau should pay. He therefore prays for an embargo (seizure) upon the estates of the defendants to cover the 60 pesos, besides 55 livres on account for the proceedings of April 5, with one-tenth and costs. The Court refers this to the Assessor General, and, on November 14, Cecilio Odoardo rules that Messrs. Lambert and Pivoteau must pay Pedro Charpentier 60 pesos within four days.

August 1, 1771, Pedro Charpentier reports that defendants have paid their obligation and prays that the costs be taxed. and.

as Lambert and Pivoteau are always absent on their plantation, he asks for an order summoning them to the office of the clerk of the Cabildo to pay the same. Governor Unzaga sends this petition to Cecilio Odoardo, who, on August 3, 1770, rules that the costs be taxed by Juan B. Garic, and paid by the defendant. Taxation August 5, 1771, 23 pesos, 5 reales.

1770—March 30th.
Jacques Voisin vs.
Mr. Mesnard (Menard).
No. 4123. 5pp.
Courts of Alcalde Trudeau and Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a debt.

Jacques Voisin, testamentary executor of Mr. St. Martin, deceased, through Leonardo Mazange, attorney, sues Menard for 75 livres in piastres gourdes due the estate upon a note.

May 25, 1771, the case goes to Governor Unzaga's Court where Santiago Voisin states that in order to enable Mr. Menard to pay his debt, he has extended the time of the note until November and asks that all proceedings be dropped and costs taxed. Costs 6 pesos, 7 reales, 1 maravedi.

March 30th.
Santiago Voisin vs.
Gerardo Pery.
No. 4116. 13pp.
Courts of Alcaldes Trudeau and Forstall.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a debt.

Santiago Voisin, testamentary executor of St. Martin, through Leonardo Mazange, attorney, presents Mr. G. Pery's signed statement dated July 11, 1767, admitting he owes St. Martin 520 livres in paper money of the colony, which he promises to pay on demand. April 8, 1771, Gerardo Pery takes oath before Juan B. Garic, clerk, verifying his signature, and acknowledging the note. April 18, 1771, Alcalde Forstall rules defendant must pay within five days, with a warning of executory proceedings. April 27, plaintiff prays for execution.

May 23, 1771, Santiago Voisin states that the defendant was ordered to pay his note within five days and has failed to do so. He prays for execution against the estate of the defendant to the extent of the debt, its one-tenth and costs as the amount is due and has not been paid. Alcalde Forstall refers this to the Assessor General, who, May 25, orders the writ issued. A marginal note states that the writ which was ordered has been issued. This document, dated the same day, directs the Sheriff to demand instant payment on the note, and, failing to collect, to seize a sufficient amount of property to cover the debt, its one-tenth and costs, which must be placed in charge of the General Receiver. The embargo (seizure), dated June 19, 1771, in which Santiago Hallays certifies before Juan B. Garic, clerk, and witnesses, that, in virtue of the foregoing authority, he went to Gerardo Pery's plantation where he seized a wooden rice mill and two copper pieces called evaporators weighing 91

pounds. These he put in charge of Joseph Ducros, General Receiver. The rice mill he could not bring to the city because it was too heavy, so he left it under the guardianship of Generdo Pery. On the same day Joseph Ducros delares that Santiago Hallais (Hallays), deputy sheriff, has put into his possession according to the law of deposit, two pieces of copper weighing 91 pounds, which were seized from Gerardo Pery. This property he holds at the disposition of the Court.

Note. The record ends here. On the cover is written "hicieron gratis proveo". Made gratis I provide. No signature.

1770—March 31st.
Laveau vs.
Beller & Bugere
(Bellair & Bougere).
No. 4049. 28pp.
Courts of Governor Unzaga and Alcalde Jacinto Panis.
Assessor, Cecilio Odoardo.
Escribano, Garic.
To collect a debt due from an inheritance.

This suit is an echo of the Lafreniere period and is full of strange stories indicating the late Attorney General's need for money. It was evidently brought with the intention to air a disagreeable scandal involving him in the misuse of funds belonging to an estate under his official administration. In the end it was hushed up by a compromise that seeks to give the affair an aspect different from that which the parties had zealously contended for in the record.

The suit opens with a petition by Laveau, an officer of the French troops, who alleges that the late Mr. Arnaud (written elsewhere in the record Armand and Renaud) left an estate of 9500 livres to which the plaintiff is heir for one-third. That by order of the late Superior Council dated April 14, 1764, this was placed at interest for the benefit of the heirs and on the advice of Attorney General Nicolas Chauvin de Lafreniere 3000 livres were lent to Jacques Bougere of the Chapitoulas with Hubert Bellair as security as appears from annexed contract dated April 29, 1769. The usual preliminary proceedings were followed by a judgment against the defendants on April 7. This decree is based upon this written contract, as was the rule in this period, inasmuch as the contract was a written acknowledgment of the debt secured by a general mortgage and as such entitled the creditor to immediate judgment.

On May 14 Laveau petitions for execution and for a seizure of the debtor's property, including a sum of money due to Bougere in the custody of Don Martin de Navarro, Treasurer of the Province. This is granted by Governor Unzaga and the Treasurer is ordered to withhold payment until further action. Thereupon Bougere through Mazange, attorney, appears and attacks the written contract, alleging that he was not present, did not sign it, nor did he receive the money, but this was in truth retained by Lafreniere who, however, used the name of Bougere as borrower thereof without consulting the latter, who was at that time employed on Lafreniere's plantation, and it was only on the Sunday succeeding the date of the transaction that Lafreniere told him of the same; that though he was perplexed

he could not object because it would have caused the loss of his job and put him out of work. But it nevertheless is true he did not receive the money and this is corroborated by the statements of the widow Lafreniere and of Mr. de la Place, which he here produces. That Garic (clerk of the Council) also certifies he paid the money to Lafreniere and it appears also in the latter's statement and inventory. That Hubert Bellair, the surety, has acknowledged this in a letter to plaintiff where he says that Bougere did not receive the money. In consequence he invokes the plea *non numerata pecunia* and asks for the annullment of the contract and that he be released from the judgment. He further alleges that Bellair, the surety (who it appears is brother-in-law to Lafreniere), was cognizant of these facts and having signed the act is bound therein and should be made to pay.

The certificates of Mrs. Lafreniere and of de la Place are as follows:

> Je certifie que le Sr. Bougere n'a point touché les trois mille livres emprunter en son nom, de la succession de Mr. Renauld, mais bien Mr. de la Freniere, auquel le Sr. Bougere n'a servi que de prête nom. a la Concession le 9 avril mil sept cent soixante & dix.
>
> Hubert v. Lafreniere.

> I certify that Mr. Bougere has not touched the three thousand livres borrowed in his name from Mr. Renauld's succession, but instead Mr. de la Freniere (did) to which Mr. Bougere only served to lend his name at the concession, the 9th April, one thousand seven hundred and seventy.
>
> Hubert Vve. Lafreniere.

> Je soussigné certiffie avoir pleine connoissence, comme etant present un greffe lors de la passation de l'act, que le Sr. Bougere n'en que preste nom proposé par le procureur general Lafreniere dans l'emprunt que le dernier a fair d'une somme de trois mille livres de la succession de Renaud sous le cautionnement du Sr. Hubert Belair son beaufrere ce que j'attest veritable.
>
> A la Nlle. Orleans le 9 Avril 1770.
>
> de la Place.

> I, the undersigned, certify to have full knowledge as I was present, in the clerk's office, at the time of the execution of the act, that Mr. Bougere did nothing but lend his name proposed by the Attorney General Lafreniere in the borrowing which the latter made of a sum of three thousand livres from the Renaud succession under the security of Mr. Hubert Belair, his brother-in-law, To which I in truth attest.
>
> At New Orleans the 9th of April, 1770.
>
> de la Place.

In a second petition Bougere reiterates the foregoing defense and urges that under the facts Lafreniere's succession is also responsible. He says further that Lafreniere's little book (Librito) contains an acknowledgment that he owes the Renaud heirs 3000 livres and that it is also listed in his statement of assets and liabilities signed before his death and found in his papers during his detention in prison. All of which documents and records are in the possession of Mr. Navarro, and that this evidence establishes a deposit which in law creates a privilege upon the decedent's estate. On June 4 Laveau replies to these two pleas, arguing with great elaboration that the effect of the written act can not be destroyed by the declaration and proof set up by Bougere.

After this series of charges had been placed on record the parties got together without delay and arranged their difficulties outside of Court and, on July 17, Laveau asks leave to discontinue the suit but the Judge orders the parties to file a written agreement explaining their settlement and to provide for the costs; this order was obeyed and a copy of an agreement was filed dated July 27, 1770, executed before Garic, Notary.

This agreement was a discontinuance of the suit, and an abandonment by plaintiff in favor of defendant of all his rights and claims in the obligation sued on, reserving, however, the rights of his coheirs, if any, to their virile share and part in said debt and without prejudice to the defense to the same.

October 24, 1770, Santiago Le Bougere (Jacques Bougere) petitions for the return of the money held by the treasurer, and this is ordered by Governor Unzaga on the advice of the Assessor General. Costs taxed 14 pesos 1 real. In 1781 a certified copy of the foregoing record was asked by Fernando Rodriguez, representing the heirs of Arnaud and Agata, his wife, and an order entered "as it is prayed, paying the just and due fees."

1770—April 2nd.
Alexandro Reboul vs.
Pedro Chabert.
No. 4097. 13pp.
Courts of Alcaldes Trudeau, Forstall, and Amelot, de Reggio, Alferez Real, acting pro tem. for Amelot.
Assessor, Cecilio Odoardo.
Escribano, Garic.
Suit to collect a debt.

Alexandro Reboul (Mazange attorney) sues Pedro Chabert for 115 livres 6 sols 6 deniers on an open account.

Judgment by default and after multitudinous petitions, orders and writs. Plaintiff fails to collect. Costs taxed at 20 pesos, and endorsed not paid.

1770—April 3rd.
Francisco Olivier vs.
Mr. Destrehan.
(Christian name not given.)
No. 4047. 22pp.
Court of Governor Unzaga.
Escribano, Garic.

To collect a surveyor's fees and charges.

This litigation is between two very prominent men of the old regime, Pierre Francois Olivier de Vezin, Regidor, and Alcalde Mayor Provincial, former chief road and land surveyor of the province, appearing propria persona, claims from Mr. Destrehan, former French treasurer of this colony, and tutor to the minor children of his late brother (name not given), 366 livres 5 sols balance on a bill of 561 livres 5 sols for fees for surveying land and marking boundaries according to the statement attached, arising from different services rendered in the measurement and survey of toises and arpents made in the years 1751, 1761, 1764, 1765, 1768. The charges are based on the tariff or rule of 1756 established by Governor Kerlerec, and Ordonnateur Dauberville..

Plaintiff alleges he had been put off with vague promises until last March, when defendant denied the debt and claimed plaintiff owed him 23 livres 11 sols 8 deniers as appears from his letter attached saying the surveys aforesaid of 1765 and 1768 were for the benefit of adjoining land owners and these should be held responsible to plaintiff for their quota. Plaintiff gives the detail of his surveys on the left bank of the Saint Louis (Mississippi) River and of the other surveys made by him and he prays that Destrehan be condemned to pay the balance due.

April 4, 1770, the Court orders Mr. Destrehan to pay Mr. Olivier's bill for surveying, and failing to do so to furnish his reasons for refusing.

The plaintiff's itemized statement of March 29, 1770, attached to the petition is reproduced as an economic document of historical value.

1761.—Surveying the property line facing on Conde and St. Philippe streets adjoining the property of the widow St. Louis on one side and Mr. Villar on the other.....60 livres.

1764.—Surveying the property line to make the banquette on two other pieces of land facing on the same streets, Conde and St. Philippe, adjoined on one side by Mr. La Lande D'Alcourt and on the other by Mr. St. Martin.....36 livres.

1764.—Surveying the land and buildings leaning against the Doctor's house which was adjudicated to the elder Destrehan, amounting in all to.....24 livres.

1765.—Surveying two plantations situated at three quarters of a league or thereabouts below the city on the left bank of the river according to the proces verbal of April, 1765, designated by the capital letters A. D. Seven days labor which does not include the time consumed going and returning; 21 hours of work with an assistant to make a survey and division of 21½ arpents 2 toises front.....252 livres.

Plan for the division and partition of the said land 25 livres and 15 livres for the proces verbal made at the house and delivered to Mr. Destrehan, tutor.....40 livres.

For survey of the limits of two other plantations, one 14 arpents wide according to plan and proces verbal made at the house March 12, 1768. This property is adjoined on one side by Mr. Ranson and on the other by Mrs. Naugesse, situated on the right bank of the St. Louis (Mississippi) River. This work required 3 days and consumed 2½ days both going and coming, which makes 9 working days at 12 livres, amounting to 108 livres. Plan, 25 livres. Proces verbal, 10 livres, amounting to.....149 livres 5 sols.

Total.....561 livres 5 sols.

which Mr. Destrehan owes for his brother's succession. Of this amount 195 livres has already been paid in planks 10 feet long valued at 150 livres, and 50 planks 12 feet long at 45 livres. Total, 195 livres, deducted from 561 livres 5 sols, leaving balance of 366 livres 5 sols still due.

Mr. Destrehan in his letter attached agrees to pay his share but tells de Vezin he must make the neighbors whose property adjoins pay their part. He in turn itemizes his portion of the liability at 171 livres 8 sols 4 deniers, and as he has already paid 195 livres, instead of being in debt to Mr. de Vezin the latter owes Destrehan 23 livres 11 sols 8 deniers.

There was used in the trial a printed extract of the Register of the late Superior Council from the proceedings in the case of Duvesin *vs.* Her, which gives valuable information concerning the surveys, etc., of that period and we will print it hereafter as a separate paper in the Quarterly.

Defendant's answer by (Mazange attorney) sets up that under the schedule or tariff of surveyor's fees fixed by the Superior Council in 1769 the responsibility for the plaintiff's fees must be divided between the parties whose properties adjoin. He contests Olivier's claim, noting items amounting to 290 livres which should be divided between his neighbor and himself. He contests other items and limits his liability to 106 livres 10 sols. Having paid 195 livres, as admitted by Olivier, the latter therefore owes defendant 88 livres 10 sols, which he should be ordered to pay.

Olivier de Vezin replies to this defense that Destrehan alone engaged him to make the surveys. It is the custom, not only in this colony but everywhere, that the party who engages the services of a professional man is obliged to pay him. As Mr. Destrehan employed him let him pay and recover from his neighbors, who never asked to have any surveying done. Plaintiff further replies that all his work was done prior to February, 1769, and therefore does not fall under the regulations of the Council relied on by the defendant. Twelve livres was the fee in 1756 by order of the King of France communicated by Governor Kerlerec and Mr. Dauberville, commissioner Ordonnateur of this colony. Olivier worked for Destre-

han in 1751, 1761, 1764, 1765, 1768, and his refusal to pay is not only absurd but it shows bad faith to try to hold plaintiff to a regulation which was not in existence when the surveyor was engaged. He asks by what right and on whose authority could the Council in 1769 dare to annul an ordinance emanating from the King promulgated for the regulations of his governors and officials. Mr. Olivier finished his work in 1768 and therefore the regulations of 1769 have nothing to do with his fees. If Mr. Desterhan's pretentions were admitted a dangerous precedent would be created and all parties for whom Olivier has surveyed land since he became surveyor general would ask to be reimbursed for surplus charges.

Governor Unzaga orders the records of the case brought to him, and on June 7, 1770, after considering the defense Unzaga orders Destrehan notified that as it was at his request that the survey was made by Mr. Olivier he must be paid the stipulated amount. Defendant may have recourse against his neighbors to reimburse himself for their shares.

Garic taxes costs at 15½ livres.

1770—April 3rd.
Auction Sale of a House and Lot belonging to Joseph Maison.
No. 10652. 96731, 97645. 9pp.
Court of Alcalde Trudeau.
Escribano, Garic.

On March 5, 1770, at the request of Mr. Bobé Descloseaux, acting as commissioner in the service of the King, in virtue of a decree of Governor Unzaga, Alcalde Trudeau and Escribano Garic appeared at the bar of the Court to call and sell the real property at the corner of St. Louis and Bourbon streets, upon which two houses have been constructed. The first consists of a hall, 3 rooms, 1 cabinet, an office, 3 cellers (caves), a kitchen and ground for a garden. The second consists of a large shop, two rooms to rent, and a cabinet. This property adjoins Mr. Pictet on one side and Mr. Marmajoux on the other. This sale is to be made without limit or reserve for Joseph Maison as set forth in the published proces verbal posted by Jacques Hallays, deputy sheriff, in the usual places.

After the sale has been announced at the end of the parochial Mass and at all the cross roads of the city, if there should be any bidder let him make his offer to the crier who will proceed to make the sale according to the clauses and conditions of adjudication. The purchaser must pay in ready cash in piastres gourdes or in milled gold into the hands of "we the undersigned" (Trudeau and Garic).

No bid was offered and a second publication was ordered for the following Sunday, bidders to appear Monday, 13th, to make their bids. No bidders appearing, a third call was ordered for March 20th, without result, and the sale is publicly called for the fourth time March 29th. On April 3rd, after repeating the publication they proceeded to make a sale of the house and lot. Three bidders, Salmon, Rodier and La Coste, appear. Salmon (Malines) proves the highest bidder with an offer of 3900 livres in piastres gourdes,

which sum he promises to pay in cash together with costs of the sale into the hands of the undersigned notary (Garic). Signed Salomon Malline.

The deputy sheriff's announcement of the order for the foregoing sale, states that he published and posted it at the end of the parochial High Mass, and that he affixed a copy to the door of the Church, one at the door of the Greffier's office, and another at the door of the said house to be sold. He certifies further that he has made it known to all whom it may concern that he will proceed at the request of Mr. Bobé to sell to the highest bidder a piece of real property belonging to Mr. Joseph Maison with description of property and terms of sale, etc.

1770—April 4th.
Receipt.
Jean B. Bobé, Commissioner for His Majesty to Salomon Malline.
No. 10654, 96751, 96762.
10pp.

Judging from the docket numbers and pagination, the previous entry and the four following documents form a part of one and the same transaction and have evidently been removed from the folio of Notarial Acts for April, 1770. See The Louisiana Historical Quarterly, April, 1923, Vol. 6, No. 2, page 324. These detached and incomplete records are a part of some proceeding filed according to French procedure and, except for chronological sequence, have no place in the Spanish Judicial Records.

On April 4, 1770, before Garic, notary of the Cabildo, Jean Baptiste Bobé acknowledges to have received 5500 livres from Salomon Malline, as bondsman, for and in discharge of a debt contracted by Mr. Maison (Joseph) for the purchase of a house. Malline had agreed to act as security in accordance with the orders of Governors O'Reilly and Unzaga, which are attached to this receipt. The purchase price was paid in this manner: 3900 livres when the house was sold, and 1600 livres which Malline has just paid. Mr. Bobé hereby receipts and discharges Messrs. Maison and Malline, and transfers the property to the purchaser.

In this record is a copy of an act of sale dated September 24th, 1768, whereby Jean Arnauld Valentin Bobé transfers to Joseph Maison a lot of ground 60x160 with improvements, situated at the corner of St. Louis and Bourbon streets, for 5500 livres, which the purchaser agrees to pay within the year following, 1769.

Also Bobé's petition to Governor O'Reilly, dated October 26, 1769, in which he declares that more than a year ago he sold a piece of real property to Maison, payment to be made in 15 months; upon hearing the news of the contemplated departure of the purchaser he went to his house to demand surety for the debt, amounting to 5500 livres, which will be due January 1. In the act of sale passed before Garic, Mr. Maison gave as security for this payment a mortgage on all his property sufficient to cover purchase price. Bobé prays that Maison be ordered to give a good and valid bond, and, in default of not so doing, the petitioner be permitted to seize

his movable and immovable property. On Oct. 28, 1769, Governor O'Reilly decrees that Mr. Maison must give without delay, and before his departure, a good and valid bond to Mr. Bobé as security for the debt of 5500 livres. The mortgage to be preserved upon purchaser's immovable property until full payment is made; if not he must pay the above mentioned sum in cash.

Dated December 16, 1769, in a second petition addressed to Governor Unzaga, Mr. Bobé cites the foregoing decree and states that Mr. Maison has not obeyed the Court's order. Before His Excellency he offered a mortgage on three of his slaves and other movables for at least the value of the sale of the immovable property. Mr. Maison and his wife have evaded giving security for their offer and have put off payment from one day to the next. Upon examination it turns out that the slaves were sold five months before to a neighbor and associate, Salomon (Malline). Petitioner prays an order of seizure of all slaves belonging to Maison and wife, which the former declared before His Excellency were three in number. He further asks that their property be sold and the funds put on deposit for the preservation of Bobé's rights, and that this sale be made without delay, and that Mrs. Maison and Salomon (Malline) be summoned to affirm that a sale was made. December 16, 1769, Governor Unzaga rules, considering Salomon Malline's offer to pay the balance owed by Maison for the purchase of a house within three weeks. Bobé accepts this offer, Malline reserves the right to hold the mortgage on the house, and retains possession of the three slaves. This record is incomplete and is evidently an exhibit in some other suit.

1770—April 7th.
Henrique Voix vs.
Georges & Diard.
No. 4114. 27pp.
Court of Alcalde Trudeau.
Escribano, Garic.

To collect a debt.

Suit for 1350 livres 9 sols 6 deniers on open account. The issue was referred to Braud and Braquier, arbitrators, and upon their report plaintiff had judgment. Costs divided.

This is quite an elaborate document and useful in the study of arbitration in that period, which seems to have been a part of all judicial proceedings, enforceable at the request of the parties or under Court order propria motu.

April 21st.
Henrique Voix vs.
Butte Latime (Boutté).
No. 4120. 8pp.
Court of Alcalde Trudeau.
Escribano, Garic.

To collect a debt.

Henrique Voix, Henry Desprez, attorney, presents as an exhibit a petition to Captain General O'Reilly, dated November 3, 1769, in which he states that Latime Boutet (Boutté), blacksmith, owes him a debt of 3500 livres in piastres gourdes as will appear from a bill acknowledged by him on November 9, 1767. November 3, 1769, Governor O'Reilly orders Latime Boutté

to pay his bill of 3500 livres within three months of this date or else to appear and state his reasons, if he has any legitimate one, for not doing so. Signed O'Reilly. February 6th, 1770, Jacques Hallais (Hallays), deputy sheriff, certifies that he notified Latime Boutté of the petition of Henry Voix and Governor O'Reilly's judgment at his home on St. Ann street, where he spoke to his son with due injunctions for the father to appear at Court and obey the order, and, failing to do so, his property will be seized. February 17, Jacques Hallays repeats the foregoing notification, this time delivering the copy of the petition and decree in person to Latime Boutté.

Before Alcalde Trudeau, Henry Voix now states that since the rendition of O'Reilly's order he has balanced his account with Latime and fixed the amount due him at 2289 livres 19 sols 9 deniers, for which Latime executed his note attached. April 24th, Alcalde Trudeau condemns Boutté to pay the same with costs within eight days under penalty of seizure of his estate. May 4, Henry Voix declares that notwithstanding the delay granted by the Alcalde, Boutté has failed to pay. He prays the Court to issue an execution against all the movable and immovable property of Mr. Boutté, when seized to be sold for the benefit of the plaintiff to the extent of the debt with interest and expenses. The writ is issued and May 20 plaintiff petitions, saying under it three negroes were seized at Mr. Boutté's house, and prays an appraisement be ordered by two experts named by the court and for an order of sale at public auction to be made on the 9th day. May 26, 1770, the wise Alcalde rules "Vienent Les pieces du proces pour etre dit droit sur Les concluzions de La presente Requette." June 11, Voix petitions, saying that on May 20 last he asked the court to name appraisers to value the negroes seized at Mr. Boutté's house. At the bottom of this petition the Judge has put an order reading "Vienent les pieces du proces pour y etre dit Droit," etc. As petitioner cannot comprehend this order, he again prays the Court to name appraisers. June 26th, the Alcalde orders the parties to appear to name appraisers before the Escribano and in default let them be named officially.

May 15, Jacques Hallays turns in the following report: Before Notary Garic and witnesses he certifies that he delivered the foregoing writ to Mr. Latime Boutté and demanded that he pay his debt to Enrique Voix, which he failed to do. The deputy sheriff asked that he point out property to be seized. He offered a negro named Cupidon, aged 30, another, Alfonso, aged 25, and another, Carlos, aged 35. Upon these he levied the execution at the risk of the plaintiff, leaving the execution open until they may be sold to the highest bidder. Signed Chantalou, Jacques Hallays, Pedro Rodier, Francois Goudeau.

Costs taxed July 21, 1770, 8 pesos 7 reales.

1770—April 22.
Mr. Voisin (Santiago) vs. Mr. Clermont (Pedro).
No. 4122. 10pp.
Courts of Alcaldes Trudeau, Forstall and Amelot.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a debt.

Before Alcalde Trudeau.

Voisin, in his own right and as tutor for the minor children of Pedro Voisin (the relationship of said minors to petitioner is not stated in the document), sues Clermont as principal and Maison and Drouet (Christian names not given) as sureties for 1750 livres, purchase price of a negro sold by the succession of the late Mr. Voisin (Christian name not given) to defendant as per attached proces verbal dated March 11, 1769. The debt was payable in one year and is past due.

June 26, judgment by default against Clermont, the sentence reading: "Vu Les pieces nous avons donné defaut contre Le Sr. Clermond faute de comparoitre et adjugeunt Le profit nous L avons condamne a payer au demandeur La d. somme de dix et sept cents cinqte. livre et aux depens. Jean Louis Trudeau."

Before Alcalde Forstall.

January 31, 1771, plaintiff asks leave to recast his pleading from French to Spanish and to remodel upon the Spanish procedure. February 20, the new demand is filed with a prayer for execution and this is referred to Odoardo, Assessor, who rules, May 25, 1771, defendant must pay within three days.

On June 1 (the record says May 1, which must be an error), plaintiff avows defendant has not paid and again asks for execution, which, on June 7, the assessor orders issued and it is noted on the margin this was done.

March 27, 1772, before Alcalde Amelot plaintiff recites defendant has paid on account and has been granted a further extension for the balance.

Costs taxed 15 pesos.

Note: The Alcalde was elected for one year and this case extended through the term of Judge Trudeau, through that of his successor, Forstall, and into the term of Amelot, successor of Forstall.

All pleadings during 1769-1771 were as a rule conducted in French. It would appear that beginning January 1, 1772,* the Spanish language and procedure were made obligatory in judicial proceedings, and all unsettled causes had to be reformed, as was done here, so as to meet this rule.

*July 16th, 1770. The Courts began to require it. (See next case.)

1770—April 23rd.
Robin, Jr. (Jacques) vs. Monbrun (Carriere).
No. 4103. 13pp.
Court of Alcalde Trudeau.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a debt.

Jacques Robin, Leonardo Mazange, attorney, claims from Monbrun Carriere 320 livres on two notes attached dated May 22nd and August 1, 1764. Alleges amicable demand in vain and prays defendant be summoned to appear, and be condemned to pay the debt with interest, costs and expenses. On April 25, Alcalde Trudeau orders defendant to appear Thursday, May 3rd, to answer the foregoing petition. Documents filed in this case: (1) receipt dated August 31, 1764, signed Mun. Carriere, acknowledges receipt from Robin, Jr., of 150 livres in silver for an armoire made of wild cherry trimmed with iron work and closed with a key; (2) promissory note, May 22, 1764, signed Mun. Carriere, promising to pay Robin or order within a month from this day 200 livres in a bill of exchange; (3) note August 1, 1764, signed Mun. Carriere, for 120 livres in bills of exchange, which he agrees to pay Mr. Robin, Sr. (Pere), in the month of September for two months rental of a house; (4) bill dated December 10, 1765, signed J. Vienne, for 120 livres, besides 70 livres for wine and other items of merchandise, endorsed September 1, 1765, and signed Jacques Robin, Jr., in which he asks Monbrun Carriere to pay Mr. Vienne 120 livres in exchange for a barrel of wine furnished the endorser; (5) statement of accounts dated May 2, 1770, signed Mun. Carriere, furnished Alcalde Trudeau by Mun. Carriere in answer to the demands of Mr. Robin, for the rental of a house, and on a note amounting to 320 livres. Item paid to Mr. Vienne for wine 120 livres; 5 pick-axes furnished, 25 livres; 2 red handkerchiefs furnished Mlle. Dupré for Mr. Robin, 20 livres; 5 piastres gourdes cash furnished Mlle. Dupré, 25 livres; 1 large cherry wood armoire, 120 livres; total, 310 livres, taken from the debt 320 livres, leaves a remainder of 10 livres, which is the extent of the defendant's debt.

June 27, Jacques Robin, Jr., sets forth that Monbrun Carriere has answered he does not owe 320 livres herein sued for and presents an account of his indebtedness showing a balance of 10 livres only. This account carries a cherry wood armoire for the purpose of deducting its price of 120 livres. By defendant's receipt here produced it will be seen this is an error. All the other debts are correct, leaving the debt 130 livres. He prays defendant be condemned to pay this last with interest, costs and expenses. July 5, Alcalde Trudeau rules considering the records, accounts and receipts that defendant pay 130 livres, the item of the armoire carried in the accounts having already been paid for according to Mr. Carriere's receipt.

On July 16, Jacques Robin, Jr., declares that Carriere has not obeyed this decree, and prays for execution against the defendant's movable and immovable property to the extent of the debt, its one-tenth interest, costs and expenses. The Court refers this to the Assessor General, Cecilio Odoardo, for advice, who, August 1,

rules: That a mandate of execution be issued against Carriere in favor of Robin for 130 livres, the one-tenth and costs. The parties must also be notified that all proceedings should be in Spanish, and the clerk of the Cabildo is directed not to admit them in any other form.

Note: This is the first formal order noted so far in which the Court commands the use of Spanish. Up to this point all notarial acts and practically the greater part of the legal proceedings have been in French.

1770—April 23rd.
Cadet (Juan) vs.
Latour (Carlos).
No. 4010. 6pp.
Court of Alcalde Trudeau.
Escribano, Garic.

To collect a debt.

Cadet, master tailor (Mazange attorney), sues de la Tour, Jr., for 123 livres per his note of March 25, 1769. After the usual preliminary delays of the period, Alcalde Trudeau orders the defendant to appear and verify his signature and admit or deny the debt. Thereupon, August 27, Carlos de la Tour, under oath admits his signature before the clerk but denies the debt because he has given an account (porque a dado una acuenta). On October 5, the pleadings are reformed in Spanish and plaintiff petitions for execution on the ground that defendant has admitted his signature and sets up no legal defense. The alcalde orders defendant to be notified to pay within three days or execution will issue. October 22, plaintiff renews his application and the Alcalde orders one of the defendant's slaves to be put in the public prison until the debt is paid, with costs of 6 pesos to date.

Evidently Mr. La Tour was a favored suitor, not subject to the petty annoyances of a formal writ of execution.

April 23rd.
Mr. Cavelier vs.
Lanegrety and St. Dosee (Sendote).
No. 4017. 98pp.
Courts of Alcaldes Trudeau, Forstall and Hipolito Amelot.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a note.

Cavelier Bros. (Jean Cavelier, brother's Christian name not given) sue Lanegretty (first name not given) and Bazilio Sendoty, or Sendote, for a balance of 437 livres 2 sols 3 deniers due on a note of 677 livres 2 sols 3 deniers.

There is judgment by default against both defendants and in due course execution issued; on April 27, 1771, Hallays, deputy sheriff, certifies that he made demand on Sendote (Lanegretty appears in name only in the suit and is evidently absent from the colony) at the German Coast without avail. Thereupon he seized certain movables in his house (these household furnishings not mentioned in detail), but because of the cost of transportation for eight leagues, and to prevent their removal, Sendote pointed out for seizure a house on Royal Street in New Orleans adjoining Pedro Clermont and Mr. Dauterive. He seized the house

and put it in possession of Ducros, General Receiver. The return is signed Joseph Ducros, Santiago Hallays, and witnessed by Francisco Goudeau, Louis Liotau and Nicolas Sarvé (Sauvé).

June 1st, plaintiff asks that appraisers be appointed and the property called for sale. The Assessor (Odoardo) recommends that, as the defendant has died since the seizure, an order do now run to the Commander of the Post of the German Coast to notify the widow of deceased to empower some person to act for the decedent's interests, otherwise the assistance of the Governor General will be invoked. An order to this effect is accordingly issued by Alcalde Forstall (successor of Trudeau) and Governor Unzaga endorses thereon an order to the Commander to comply with this "despatch." A marginal note says it was never sent because the widow Sendote appeared before the Escribano and was duly notified by him.

Thereupon the widow opposes the execution upon the ground that she is a privileged creditor of the deceased for far more than the value of his estate and asks that the writ be quashed and the property returned to her in payment pro tanto of her claim. In support of this opposition she submits her written appointment of Henry Desperz, attorney, to represent her, and files a copy of her marriage contract with the deceased and a copy of the act of partition of her father and mother's estate.

The marriage contract is dated August 10, 1764, executed before Jean B. Garic, notary, in New Orleans, and the parties are described as Bazile Sendot (Sendote), surgeon, native of Lasscarere, Diocese Delaise, son of Pierre Sendote and of Dame Laftitau, and Francoise Dauphin, native of New Orleans, daughter of Joseph Dauphin and Marianne Mennier.

The partition is dated May 30, 1769, executed before the arbitrators, Henry Desprez and (Antonio?) Piqueri (no notary mentioned) wherein the six children of Mr. and Mrs. Dauphin make an amicable partition of the decedent's estates valued at 30,046 livres.

The widow Sendate avers that under the marriage contract she has a privilege for her dowry paid to her husband at the time of the marriage, and for another 3000 livres constituting the donation made to her in said contract by her husband. That her said husband received in addition 3580 livres for her account at the partition aforesaid.

Plaintiffs, Caveliers, dispute the facts and deny the conclusions of law set up by the widow, and the case is tried under the supervision of Doctor Odoardo, Assessor General. The oral testimony is taken by written interrogation propounded by the parties and answered by the several witnesses before the Escribano Garic. This testimony as taken is communicated to the opposing side, and thereafter each party offered in evidence the documents upon which they relied.

The contestants then presented written objections and arguments upon the facts proved and on March 30, 1772, Cecilio Odoardo, Assessor General, renders judgment in which he rejects the widow's claim to the donation of 3000 livres upon the ground that her husband did not possess any estate or means at the time of the marriage,

but he maintains her claim to her dowry of 3000 livres and to the paraphernal claim arising out of the delivery to her husband of her share in the estate of her parents. He decides also that the property seized is insufficient in value to pay these claims and therefore it will be adjudicated to the widow and the seizure released. This is confirmed by Alcalde Hipolito Amelot and the costs divided, 57 pesos 7 reales to be paid by plaintiff, and 22 pesos by the widow.

This record of 98 pages is an admirable example of the method of trial before the Spanish Courts in Louisiana, and it is well worth the attention of any one interested in such matters.

1770—April 25th.
Widow Lafond vs.
Manuel Luby.
No. 4022. 7pp.
Court of Alcalde Trudeau.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a bill.

Widow Lafond (other name not given, afterwards mentioned as wife of Francisco Dauphin), Leonardo Mazange, attorney, sues Manuel Luby for 1758 livres 15 sols in paper money of the colony, remainder of an account attached. She therefore prays the Court to summon the defendant to appear, etc. May 8, 1770, Alcalde Trudeau orders Luby to appear for the first day's hearing. Garic certifies, May 8, he notified both parties. (Note: This is the first instance in which the Escribano, and not the deputy sheriff, notifies the litigants). June 18, Alcalde Trudeau renders judgment by default and condemns defendant to pay the debt and expenses, in notes of the colony according to the reduction made by His Most Catholic Majesty.

October 26, 1770, the pleadings are reformed in Spanish and petitioner declares that Luby is at Pointe Coupee and has paid "no respect" to the Court's judgment; she therefore prays that Mr. Allain, judge of that Post, be directed to order defendant's arrest and have him held in the public prison until he has paid the full amount of the debt, its one-tenth and the costs already caused or which may be caused. The Court sends this petition to the Assessor General for his advice, but without action by him.

Francisco Daufin (Dauphin) November 3, in behalf of his wife, the widow Lafond, states that by agreement the debt is paid and the parties consent that costs will be divided equally between them. Plaintiff prays the Court to confirm this agreement and tax the costs. Alcalde Trudeau, acting under the advice of Cecilio Odoardo, decrees as follows: That, as the parties have come to an agreement, the Court now interposes its authority and judicial decree breaking off and cancelling this suit, and condemning the parties to pay the costs equally between the two. Taxed 9 pesos 4 reales.

1770—April 26th.
Mr. Dubreuil vs.
Mr. Berqueville.
No. 4027. 30pp.
Courts of Alcaldes
Trudeau and Forstall.
Escribano, Garic.

Attachment and Garnishment.

Mr. Dubreuil (Christian name not given), clerk of the marine, in the service of the King, (Henry Desprez, attorney), alleges he holds draft for 353 livres 15 sols drawn in Illinois November 21, 1766, by Berqueville in favor of Mr. Dubreuil St. Croix on Mr. Couturier, who has refused to accept it. He has not been able to collect the same and Mr. Berqueville now refuses to pay, giving reasons which are not good and sound. He prays the Court to order Mr. Loison (Christian name not given), to pay petitioner 353 livres 15 sols from the funds he holds belonging to Berqueville and to condemn him to pay costs and expenses. April 26, Alcalde Trudeau orders Berqueville to appear on Saturday to answer the foregoing petition and also orders Mr. Loison not to dispose of the funds to the extent of 353 livres 15 sols in his possession belonging to defendant until this case is decided.

April 30, Mr. Dubreuil declares that he has learned that Mr. Loison has not returned any funds to Berqueville. He therefore prays for an order of seizure of the funds in his possession and that the said Loison be summoned to appear and to state the amount he holds for account of said Berqueville, and to pay to the petitioner 353 livres 15 sols with costs and expenses. On the same day Alcalde Trudeau orders Mr. Loison to appear on the following Thursday to answer the foregoing petition.

May 2, Couturier states and certifies that when Dubreuil presented Berqueville's draft he offered to pay according to the nature of the money stipulated; this he refused to receive and demanded piastres, which he could not pay from the funds he had and which he still holds for de Berqueville. At the bottom of this statement is a declaration signed by Dubreuil to the effect that he sent a negress to Couturier with a letter containing the draft, which the said Couturier offered to pay in paper money instead of piastres as the bill of exchange demanded.

May 5, Dubreuil answers de Berqueville stating that nothing could be more unreasonable than his refusal to pay the bill of exchange drawn on Mr. Couturier dated in Illinois November 21, 1766, to the order of Mr. Dubreuil Sainte Croix, brother of the plaintiff. Henry Desprez, attorney, presents his client's arugment, setting forth the plaintiff's claim, and why the bill of exchange should be paid.

May 5, Leonardo Mazange, attorney for Mr. de Berqueville, presents his defense before Alcalde Trudeau, claiming that Mr. Couturier is the debtor, and not he, whose insolvency is the cause of his refusal to meet the obligation. He prays that the suit be dismissed and the plaintiff be condemned to pay costs.

May 12, Alcalde Trudeau orders the parties or their agents to appear before Messrs. Braud and Ranson as arbitrators named by the parties and to notify Mr. Loison not to dispose of the funds until a report is made.

May 12, Dubreuil states that the exact truth which he wishes to affirm before Messrs. Braud and Ranson, arbitrators, is, that when he demanded payment from Couturier of the bill of exchange for 315 livres (353 livres 15 sols) drawn on him by Berqueville, he answered that he had nothing but paper money of intrinsic value in place of specie, at the rate of 4 for 1, equivalent to piastres, and, when he sent his negress, Couturier said he had neither paper nor letters of exchange as he had sent every thing to de Berqueville.

May 10, Messrs. Louis Ranson and Dionisio Braud order the parties to answer: First, the plaintiff must state if the 353 livres 15 sols is due in piastres or a letter of exchange, and, second, if the defendant, in drawing the draft on Couturier, had funds deposited with him, and, if so, in what kind of money.

May 29, Louis Ranson and Dionisio Braud, arbitrators, report as follows: Considering the attestation produced by Mr. Dubreuil on May 12, stating that he would have received his payment from Mr. Couturier if it had been offered in specie and not in its intrinsic value in paper, and Mr. Couturier's declaration on May 2, in which he states that he offered at the time to pay Mr. Dubreuil for Mr. Berqueville according to the nature of the money carried therein and the declaration of Mr. Dubreuil at the bottom of the foregoing statement in which he says he was offered paper money in place of piastres or a bill of exchange. The burden is on Mr. Dubreuil to prove that the money is due him, and in the last named money as he claims. After due examination, their advice is that Mr. Dubreuil's demands on Mr. Berqueville be excluded and that he have recourse against Mr. Couturier for the payment of the said bill of exchange for 353 livres 15 sols, in case Mr. Couturier has not paid Mr. de Berqueville from the accounts which they held together. To effect this, however, the seizure made with Loison will be held until further verification of the aforsaid facts.

October 5, de Berqueville applies to the Court to confirm the arbitrators' report and to exclude the pretentions of the plaintiff. The Court orders the petition sent to the Assessor General. January 15th, 1771, before Alcalde Forstall, de Berqueville declares that, as the plaintiff has dropped the suit, he prays he be ordered to pay the costs, which are taxed at 14 pesos 7 reales.

January 18, 1771, Henrique Desprez, in his own name, petitions, saying that in the suit prosecuted by Mr. Dubreuil against Mr. de Berqueville he has executed a document of great length, necessitating much labor and study, and treating the question of French law presented herein. That Mr. Garic taxes the costs of this document at 10 reales but that the clerk be ordered to add three "assistancies" in his favor for this written argument. The Court decides that, in consideration of the length and labor attached to the writing of this argument, the three "assistancies" should be allowed.

Note: This is one of several suits of 1770 containing an argument or debate between the two attorneys, Mazange and Desprez. These debates were perhaps in accordance with French procedure but disappear shortly after Spanish jurisprudence begins. There

is no argument of a case under their jurisdiction except in very rare criminal cases, or else over a disputed point of law. In this event the argument appears in the form of a petition with the reasons for the said petition very much lengthened.

1770—April 28th.
Pablo Gardrat vs.
Coffigny (Claudio).
No. 4040. 8pp.
Court of Alcalde Trudeau.
Assessor, Cecilio Odoardo.
Escribano, Garic.

To collect a debt.

Mr. Gardrat, surgeon for the King, (Henry Desprez, attorney), presents a petition dated August 7, 1769, addressed to Mr. Foucault, acting as ordonnateur, and first judge of the Superior Council, in which he states that Mr. Coffigny, the wigmaker, owes him 520 livres for rental of a house as per note attached. He has demanded payment many times without being able to obtain any satisfaction. He determined to take recourse to the Council and, notwithstanding the order "L'ordonnance", of Mr. de Launay, endorser of his note, he has never been able to make Mr. Coffigny understand his obligation. He therfore petitions the Court to summon the defendant to appear and be condemned to pay his debt with costs and expenses. On the same day Foucault orders him to appear for the next hearing of the Council. On August 11, 1769, Edme Tranchant Dupui, crier for the Superior Council, certifies he notified and gave a copy of the note and the foregoing petition and order to Coffigny, citing him to appear for the first day of the audience of the Superior Council.

With this exhibit, plaintiff, on April 28, 1770, sets forth that Mr. Coffigny owes him 520 livres for house rent. As this cause is privileged he prays the Court to condemn the defendant to pay the debt with costs and expenses. Alcalde Trudeau orders Coffigny to pay or appear in Court on Thursday to state the reasons for his refusal. On May 5, Alcalde Trudeau condemns defandant by default to pay the amount due under penalty of the seizure of his property.

The case is hereafter conducted in Spanish and the Court orders Mr. Coffigny to appear before the Escribano to verify his signature and, on July 4, Claudio Coffigny under oath before the Escribano, declares that the signature is his, and that he owes the amount stipulated. July 17, Gardrat,prays for execution and the Assessor General, August 1, orders the writ issued. "The parties must be notified that all their representations must be in Spanish; the Escribano is not to admit them in any other form."

The writ issued August 3, authorizing the sheriff to demand payment of the debt of the defendant, and failing to obtain it to seize and place an embargo on his property sufficient to cover the extent of the indebtedness, and put the possessions seized with the General Receiver. On October 6, Jacques Hallays, deputy sheriff, certifies that he went to Coffigny's house where he seized his negress named Louison, whom he placed with the General Receiver. October 9, plaintiff states that Claudio Coffigny has paid what he owed him into the hands of the General Receiver and asks for taxation of the costs, which are taxed at 13 pesos 2 reales ½ a maravedi.

1770—April 30th.
Peyroux (Henry) vs.
Lacoste (Jean B.)
No. 4077. 16pp.
Courts of Governor Unzaga and Alcalde Trudeau.
Assessor, Cecilio Odoardo.
Escribano, Garic.

Application for respite.

Peyroux, merchant of Pointe Coupee, petitions for a respite until the end of the next harvest. He presents a list of his assets and liabilities, and tells a moving tale of imprisonment at Pointe Coupee, and escape from the jail where he was ill from lack of light and ventilation, and starving because the jailor was too poor to feed him. He escaped from jail ("run away") and on the road to New Orleans contracted the illness then "prevailing in the village of the Chapitoulas," which was aggravated by the fear of imprisonment hanging over him. According to his bilan his assets aggregate 4518 livres 6 sols 9 deniers and his liabilities are 3085 livres 18 sols 5 deniers, showing him to be solvent, but unable to pay because of the poverty of his debtors. He prays His Lordship Governor Unzaga to grant him the extension asked, to restore him to liberty in the meantime and to pardon him for breaking jail at Pointe Coupee.

The Governor rules that:

"The fugitive prisoner arrested for debt at Pointe Coupee be restored to liberty and allowed to return to his home. He will present a copy of this order to Mr. Allain, Commander of the Fort, who will understand from it that the petitioner is granted time until the end of next harvest to pay all his creditors unless he may not then have sufficient property to pay them out of the sale without ruining him. In case the imprisonment is for other cause than debt let him be rearrested and a report made to the Governor with proof of the cause for such rearrest."

In July, Peyroux petitions saying that, notwithstanding this judgment, Lacoste, one of his creditors upon the bilan, has instituted suit before Alcalde Louis Trudeau and obtained execution, on which he has seized 2400 andullos of tobacco and the same is now in the hands of Ducros, the General Receiver. Upon this statement of facts he prays the Governor to stay the proceedings in the Alcalde's Court and to annul the same. Upon the advice of the Assessor, Unzaga orders the proceedings before the Alcalde to be sent to him. This order is obeyed and it appears from that record that Lacoste had obtained judgment against Peyroux Freres in March, 1769, before the late Superior Council of Louisiana, Nicholas Foucault, Judge, for 816 livres and costs for merchandise bought from the cargo of the ship "La Carlota," and that Henry Peyroux's brother, Peyroux de Rochemolive, was security for the debt. The judgment of the Superior Council was presented to Alcalde Trudeau on March 12, 1770, with the allegation that the debtor had been living in Pointe Coupee for some time and had not paid this judgment. In accordance with the practice after the cession to Spain the Alcalde entered judgment on the old judgment and followed it up in July with the execution under consideration.

On July 17, upon the advice of Assessor Odoardo, Gov. Unzaga sustains Peyroux's plea and holds the judgment of Respite to be a bar to the further prosecution of Lacoste's suit. The record does not show that the judgment thus rendered disturbed the statu quo as to the tobacco in the Receiver's hands and evidently the release of the same required some further proceedings. But on October 18, 1770, Peyroux de Rochemolive, acting for his brother Henry and the seizing creditor, Juan B. La Coste, agreed that the tobacco shall be delivered to the latter in payment of his debt and the costs to be divided. They petition to have this agreement made effective by judgment and this is done and the costs taxed at 40 pesos 4½ reales, and the Escribano takes a formal receipt for 816 livres, deducting his costs therefrom. The tobacco is not mentioned, but this is probably the way in which the parties preferred to have it appear on the record, because Peyroux agrees that as part of the settlement he renounces the plea of non numerata pecunia.

The record is a useful guide to the several forms of procedure of that era, containing as it does a proceeding in Respite; the supervisory power or control through the upper Court (the Governor's), the actions of the lower Court (the Alcalde's); a very full record of an ordinary suit before the late Superior Council, and a like suit in the Alcalde's Court.

(To be Continued.)

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, of the Louisiana Historical Quarterly, published quarterly at New Orleans, for October 1, 1924.
State of Louisiana, Parish of Orleans, ss.

Before me, a Notary Public, in and for the State and parish aforesaid, personally appeared Henry P. Dart, who, having been duly sworn according to law, deposes and says that he is the Editor of the Louisiana Historical Quarterly and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the aboye caption, required by the Act of August 24, 1912, embodied in Section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.; Editor, Henry P. Dart; Managing Editor, None; Business Manager, None.

2. That the owners are The Louisiana Historical Society.

3. There are no stockholders. Gaspar Cusachs, Pres.; Edw. A. Parsons, 1st V.-Pres.; Andre Lafargue, 2nd V.-Pres.; Jas. R. Renshaw, 3rd V.-Pres.; Wm. O. Hart, Treas.; Hy. P. Dart, Editor; J. Mitchell Pilcher, Recording Secty.; Hy. M. Gill, Corresponding Secty.

HENRY P. DART.

Sworn to and subscribed before me this 8th day of October, 1924.

JOHN DART, Notary Public.
(My commission expires at death.)